

Include me, I am your greatest ally. Exclude me, I am your sharpest critic.

Engaging Communities in Public-Private Partnerships To Advance Olmstead Plan Implementation in Minnesota

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Executive Summary

“Inclusion continuously creates a community involved in defining and addressing public issues”¹

In Minnesota, a state of nearly 5.5 million people, more than half a million people are identified as having a disability.² The Minnesota Olmstead Plan, while intended to foster inclusion for people with disabilities, has traveled a seemingly rough path to development and implementation, resulting in uncertainty and confusion among those engaging with the plan. However, opportunities to enhance Olmstead Plan integration reflect optimism expressed by many to work together to improve the lives of all Minnesotans living among or caring for people with disabilities.

Research done to determine and evaluate attitudes and perceptions about the Olmstead Plan and the state’s approach to community engagement resulted in interviews with 47 people across multiple sectors in Minnesota. Interviewees were asked a series of questions about their current knowledge and understanding of the Olmstead Plan, its goals and intentions, as well as their understanding of barriers and opportunities related to engagement and implementation of the Olmstead Plan.

Overall, those interviewed expressed interest in understanding how to implement the Olmstead Plan in Minnesota. People want to help and many believe they are already actively participating in initiatives that promote the Olmstead vision. Those who learned about it for the first time through interviews expressed interest in participating in wider, ongoing discussions.

Findings showed mixed reactions regarding implementation to date. The majority had no perception of the implementation process nor understood the current state of implementation. Several felt leaders at the state level did not listen to their input or dismissed their feedback. Some felt uninformed and confused. While some expressed impatience with the progress, others referenced risks in moving too quickly. With the looming changes, some expressed fear and uncertainty in how to transition from their current culture and business models to incorporate Olmstead provisions.

Of the respondents aware of the plan, the majority reported feelings of damage as a result of experiences with the State. Comments included poor understanding about the Olmstead plan, anger with the implementation, feelings of distrust and marginalization, loss of patience and hope due to the long duration of the implementation, and fear of the unknown. Some have lost

¹ Quick, K., & Feldman, M. (2011). Distinguishing participation and inclusion. *Journal of Planning Education and Research*, 31(3), 272-290.

² Olmstead Implementation Office (2015). Olmstead community engagement plan, p 4. Retrieved from http://www.dhs.state.mn.us/main/groups/olmstead/documents/pub/dhs16_193724.pdf

faith in the process and do not trust the State to implement the policy in an inclusive, transparent and just manner. Some believe State practices do not align with the Federal ruling and could hinder choice for people with disabilities.

While damages result from past actions and serve as a basis for current opinions, barriers to current engagement can often be addressed to improve engagement. Respondents identified barriers as lack of awareness, clarity, communication, alignment and resources. Failure to address these barriers could result in further damage to key collaborative relationships and efforts to engage, in addition to lost potential for those living with a disability.

Serving people with disabilities drives this population of human service workers. Opportunities inspire and motivate these individuals. The majority of respondents cited opportunities through collaboration between groups and existing networks. Many referenced establishment of a two-way dialogue regarding the Olmstead Plan that includes more education and outreach. Several suggested that people with disabilities need to be included in Olmstead Plan decision making.

Other states have similar Olmstead Plans tailored to their state population. Key lessons from other states include the role of Advisory Councils and funding structures. Cross-state networking could offer sharing of best practices to enhance all Olmstead Plans. In addition to state reviews, a review of the literature yielded recommended practices for using integrative leadership practices and inclusive engagement processes.

This research helps inform solid recommendations to engage stakeholders in effective implementation:

- Educate communities through enhanced communication to foster better dialogue.
- Enlist stakeholders from all sectors (public, private, and non-profit) and people with disabilities to be champions of the vision and lead efforts through integrative methods.
- Involve stakeholders and engage them through advanced training and a variety of learning mediums to streamline efforts.

Most importantly, to shape the Olmstead Plan goals and share the vision across Minnesota, include and share the power with all stakeholders, including people with disabilities, providers, and communities to create an optimal democratic decision-making process and support for implementation activities.

Introduction

Not to be confused with Olmsted County in southeastern Minnesota, the work surrounding “Olmstead” in Minnesota and across the United States is named for a 1999 United States Supreme Court decision when the State of Georgia Department of Human Resources, under the leadership of Commissioner Tommy Olmstead, was sued for unnecessarily institutionalizing people with intellectual disabilities. “The court ruled that the Americans with Disabilities Act (ADA) requires states to provide services to people with disabilities in the “most integrated settings” appropriate to their needs.”³

Following the ruling in 1999, some states formed their own governance structures to write their own Olmstead Plans. More than a decade passed, however, before Minnesota began development of their Olmstead Plan because many agencies and providers to people with disabilities believed, in good faith, that they were already providing services in the environments and ways that were required. Through its work to close large state institutional settings and move people into smaller, more homelike settings and because of innovative work done in various sectors, Minnesota has become known as a leader in providing resources for and serving people with disabilities.⁴

Despite progress in these efforts, in 2009, the state was sued in a United States District Court in *Jensen et al v. Department of Human Services et al* on behalf of people with disabilities who were subjected to seclusion and restraint practices at the Minnesota Extended Treatment Options (METO) state operated facility in Cambridge, Minn. As part of the settlement agreement, the state was required to develop and implement a Minnesota Olmstead Plan. The goal of the Plan was to increase choices for people with disabilities to fully live and participate in communities in the least restrictive setting.

In 2012, the Minnesota Olmstead Planning Committee formed to develop the initial Olmstead Plan. The Planning Committee included people with disabilities, the Minnesota Department of Human Services, family members, providers, and advocates. This group created a report⁵ that called for ensuring that Minnesotans with disabilities are able to make their own choices and be integrated into the community.

One of the Committee recommendations was for the Governor to establish an Olmstead Sub-Cabinet with multiple state agencies to improve coordination of planning and implementation of

³ United States Department of Justice (2015). *Information and technical assistance on the Americans with Disabilities Act*. Retrieved from <http://www.ada.gov/olmstead/index.htm>

⁴ AARP, The Commonwealth Fund, & The SCAN Foundation (2014). *A state scorecard on long-term services and supports for older adults, people with physical disabilities, and family caregivers: Minnesota fact sheet*. Retrieved from <http://www.longtermscorecard.org/databystate/state?state=MN#.VQxrucIfIZ>

⁵ State of Minnesota Olmstead Planning Committee (2015). *Minnesota's Olmstead plan*. Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=opc_about

the state Olmstead Plan. In 2013, the Governor of Minnesota appointed the Olmstead Implementation Office (OIO) and the Olmstead Sub-Cabinet to oversee the development of the Olmstead Plan that would further advance greater integration and inclusion for people with disabilities. With the formation of the Sub-Cabinet to provide coordination, the Olmstead Planning Committee disbanded.

As planning developed and communication to key stakeholders rolled out, a disconnect between the Olmstead Plan, as outlined by the State, and implementation among public and private organizations throughout Minnesota became apparent. When the Olmstead Implementation Office engaged the University of Minnesota Humphrey School of Public Affairs, the Capstone team of consultants determined that perhaps the “problem” involved uncertainty of collaboration between the Olmstead Implementation Office and those implementing the Plan. This uncertainty likely contributes to inconsistent interpretation of the spirit of the Olmstead Plan, minimizing choice and limiting person-centered approaches for people with disabilities.

Now, with Minnesota’s Olmstead planning efforts well underway, Minnesota’s Olmstead Plan strives to serve as documentation and governance for implementation and engagement to achieve the goal of making Minnesota “a place where people with disabilities are living, learning, working and enjoying life in the most integrated setting.”⁶ The court ruling and monitoring drives the urgency of developing an Olmstead Plan for Minnesota and illustrates some shortcomings (discussed within research findings) with the activities the State has undertaken to date.

The Minnesota Olmstead Plan

The current Minnesota Olmstead Plan consists of detailed actions that give people with disabilities the right to choose and integrate into and engage fully in their communities. The State Departments and other members on the Olmstead Plan Sub-Cabinet oversee the funding, actions, engagement, education, and outcomes of the respective parts of the plan.

The Olmstead Plan consists of eight parts:

- Quality assurance and accountability
- Employment
- Housing
- Transportation
- Education
- Health care
- Community engagement
- Supports and services

⁶ State of Minnesota Olmstead Planning Committee (2015). *Minnesota’s Olmstead plan*. Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=opc_about

The Actors:

1. ***Olmstead Planning Committee***⁷: This group formed in 2012, but disbanded in 2013 with the establishment of the Olmstead Sub-Cabinet. It included people with disabilities, family members, providers, advocates and senior decision-makers from the Minnesota Department of Human Services. The group's main role was to come up with suggestions and recommendations for the Olmstead Plan. They submitted those recommendations to the Commissioner of the Department of Human Services. "Members of this group were either appointed as part of the *Jensen Settlement Agreement* or by mutual agreement between the Minnesota Department of Human Services and the Plaintiffs from a diverse pool of interested persons from around the state through a public application process."⁸
2. ***The Olmstead Plan Sub-Cabinet***: This group formed as a result of Governor Mark Dayton's Executive Order⁹ on January 28, 2013. Lieutenant Governor Yvonne Pretzner Solon initially chaired the group that includes commissioners of eight state agencies and reports to the Department of Human Services commissioner (see Appendix B for list of the initial Sub-Cabinet members). The group evaluates policies, programs, statutes and regulations of state agencies to determine if any should be modified or require legislative action to improve the availability of and access to community-based services for people with disabilities. It brings the various agency heads together to align policies to facilitate smoother implementation of the plan. The Sub-Cabinet reports their amendments and proposals to the judge who reviews them against the standards established in the Olmstead decision. In January 2015, Governor Dayton appointed Mary Tingerthal, commissioner of the Minnesota Housing Finance agency, to chair the Sub-Cabinet.
3. ***Olmstead Implementation Office*** (OIO): The OIO, an organization appointed directly by the Governor of Minnesota in December 2013, serves as the organizing agency to work with multiple agencies and stakeholder groups involved in providing services to people with disabilities. Thus far, the work of the OIO has focused primarily on state agencies, with limited engagement of other stakeholder groups. To progress toward greater integration and inclusion for people with disabilities, the OIO identified a need to have a plan to work with other stakeholders, including public, private and nonprofit groups to encompass all potential partners.

⁷ State of Minnesota Olmstead Planning Committee (2015). *Minnesota Olmstead Planning Committee members*. Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=opc_about_members

⁸ http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=opc_about

⁹ State of Minnesota Executive Department, Mark Dayton (2013, Jan 28). *Executive Order 13-01*. Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Rendition=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16_176395

4. ***The Court:*** The Honorable Judge Donovan Frank serves the United States District Court for the District of Minnesota and provides direction and oversight for the Sub-Cabinet to make sure the Olmstead Plan complies with the settlement agreement established in the *Jensen* case.¹⁰
5. ***People with disabilities and their families/friends:*** The Americans with Disabilities Act defines an individual with a disability as “a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.”¹¹ According to 2010 Census data, more than a half-million Minnesotans have some kind of disability. Types of disabilities cover a wide spectrum of physical and mental aspects that reflect unique experiences and perspectives to incorporate in planning. Exactly half of all people with disabilities live in the nine-county metro area, while nearly a third live in Hennepin or Ramsey County (31%).¹² While half of the state’s population lives in the Twin Cities Metropolitan area, people with disabilities live across the state in both urban and remote rural areas.
6. ***Other stakeholders:*** Many organizations advocate for people with disabilities or provide services for them. These include, but are not limited to, housing, transportation, education, health care, employers, and advocacy organizations.

¹⁰ Final Approval Order for Stipulated Class Action Settlement Agreement. (2015) Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&noSaveAs=1&Rendition=Primary&allowInterrupt=1&dDocName=opc_jensenv_pdf

¹¹ U.S. Department of Justice (2009). *A guide to disability rights law*. Retrieved from <http://www.ada.gov/cguide.htm>

¹² Greater Twin Cities United Way (2012). *Older adults and people with disabilities demographic profile report*. Retrieved from https://www.gtcuw.org/_asset/ps4pq5/demographic_report_all_final2012.pdf

Olmstead Policy Timeline:



This report, “Engaging Communities in Public-Private Partnerships to Advance Olmstead Plan Implementation in Minnesota,” details the research, findings, and recommendations of a University of Minnesota Humphrey School of Public Affairs Capstone project group, as charged by Minnesota’s Olmstead Implementation Office.

Research Methodology

Initial exploration

Our Capstone group first explored the OIO and Olmstead Sub-Cabinet's community engagement practices as reported on the OIO website.¹³ We also gauged initial perceptions that other stakeholders had of current Olmstead-related and OIO activities at the state level by reviewing media reports and soliciting preliminary input from key stakeholders who work in the disability field. What we learned led us to develop a qualitative research design to explore stakeholder feelings and perceptions related to current engagement and activities.

From this initial research, we noted some key frameworks for existing OIO community engagement practices:

- The OIO and Sub-Cabinet decide with whom to engage and when to engage based on the specific part of the Olmstead Plan it is drafting.¹⁴
Implications: This specific state-directed approach may limit the boundary-spanning thinking and visioning that could occur among stakeholder groups, thus limiting collaboration, creativity and more far-reaching possibilities.
- The OIO depends on eight Sub-Cabinet agencies to conduct engagement efforts per their focus area with the Olmstead plan.¹⁵
Implications: Multiple layers of administration and inconsistent patterns of engagement exist. When engagement occurs, it happens in a siloed manner with limited coordination outside of the OIO.
- The OIO has 2.5 full-time equivalent employees to monitor overall community engagement strategy as part of many other responsibilities.
Implications: This may limit collective public-private engagement due to the OIO staffing and time capacities for community engagement. The limited perspective and speed of "top-down" controls and power could hinder potential collaboration and discussion to form more holistic and effective collective efforts among community stakeholders.

¹³ State of Minnesota Olmstead Planning Committee (2015). *Minnesota's Olmstead plan*. Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=opc_home

¹⁴ State of Minnesota Olmstead Planning Committee. (2015). *Olmstead Subcabinet Procedures. Minnesota's Olmstead Plan*. Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Rendition=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16_194054

¹⁵ Ibid.

Research focus

Initial research indicated uncertainty about collaboration between the Olmstead Implementation Office and those implementing the Plan. This uncertainty potentially contributes to inconsistent interpretation of the spirit of the Olmstead Plan, minimizing choice and limiting person-centered approaches for people with disabilities.

To learn more, the team developed the following research questions:

1. What is the level of community awareness and engagement with the Olmstead vision?
2. What are optimal community engagement models to help advance Olmstead vision implementation?
3. How do stakeholder groups want to engage?
4. What barriers currently exist that limit successful engagement?
5. Has there been damage in the minds of stakeholders from the current style of engagement?
6. What opportunities exist that would facilitate stakeholder engagement?

To answer these questions, we designed a qualitative, descriptive research approach where we:

- Conducted exploratory interviews with key stakeholders
- Conducted a literature review of recommended practices for facilitating public participation practices and governance structures for community engagement in public-private partnerships
- Reviewed Olmstead-related implementation activities and results in several states with comparable approaches

Interviews

We conducted interviews with 47 stakeholders in the public (14 interviews), private (4 interviews), and nonprofit (29 interviews) sectors representing county and state government, private service providers and businesses, and nonprofit advocacy and community organizations.

More than half of the respondents in the study represented organizations that serve multiple areas addressed by the Olmstead Plan. In order of frequency from high to low, the other portion of interviewed organizations represented health care, employment, housing, education, and corrections. A list of respondents is included in Appendix A.

The respondents represent a mixed, purposeful sample and were chosen based on one or more of the following factors:

- The consultants' assessment that the respondent is a key stakeholder due to the relation of their work to the Olmstead vision
- Geographic or relational convenience
- By suggestion of other respondents interviewed

By asking key stakeholders questions to understand their attitudes and feelings about their engagement with Olmstead Plan activities, we hoped to provide important information for the OIO and Sub-Cabinet as they continue implementation. Interviewers followed the guide of possible questions available in Appendix C, but were free to choose from the variety of questions based on their personal style and the tone of the interview.

Literature review

We reviewed academic literature related to public engagement and public-private partnerships to learn more about recommended practices in participatory public engagement. This review helped develop insights to consider with the Olmstead policy implementation field and interview findings. Literature review findings are located in the Research Findings section under question two and in Appendix D.

Other state implementation activities

To better understand what other states are doing in the area of Olmstead Plan community engagement and to identify comparisons with other states, the group conducted a review of four states. Initial research on state plans and implementation concluded that most information available publicly is out-of-date. Phone interviews with key people at these states provided more in-depth background on that state's engagement.

To determine which states to pursue, the group considered those states whose implementation is at the state level and those states that are state-supervised, county administered¹⁶ to better compare Minnesota's state-supervised, county-administered model. These states were also recommended by several project advisors with good knowledge of Olmstead planning on a national level.

States identified include:

State-Administered: Rhode Island, Texas

State-Supervised, County-Administered: California, West Virginia

Additional details are referenced in Appendix E.

Data collection and optimizing validity

Our study team conducted structured interviews to gather opinions related to the above research questions between March 1 and March 31, 2015. The interviews were audio recorded to assure accuracy of analysis and reference to evidence. Most of the interviews were completed by phone

¹⁶ U.S. Department of Health and Human Services (2003). *National study of child protective services systems and reform efforts*. Retrieved from <http://aspe.hhs.gov/hsp/cps-status03/state-policy03/chapter2.htm>

to allow for the most efficient use of time and ensure ideal accessibility for all participants and interviewers. Some interviewees preferred in-person interviews.

There are many variables affecting desired engagement among Olmstead Plan stakeholders. This method allowed the study team to identify a wide variety of opinions and potential attitudinal triggers among stakeholders. Our goal was to find variables widely shared among stakeholders to inform community engagement strategy refinement.

Analysis

All six consultants conducted interviews. As interviews concluded, we compiled general responses from individual interviews into a spreadsheet with the following key areas based on interview questions and interviewer interpretation of responses that related to the following:

- Satisfaction with current engagement with OIO and Olmstead vision
- Preferred engagement with OIO and Olmstead vision
- Preferred format for engagement
- Damage done
- Barriers to engaging with OIO and Olmstead vision
- Opportunities
- Other

We listened to our own interview recordings and read interview transcripts to identify categories and subcategories and assessed frequency of responses within the identified categories and also those that emerged based on questions. Strength of themes was indicated by higher frequency of response, meaning more respondents identified the theme in their interview. All consultants reviewed the notes from all interviews in the spreadsheet for assessment of common themes. The team brought their individual thoughts together to negotiate which categories to use to help answer research questions and provide contextual data and description of stakeholder engagement.

Following the team's agreement on common themes to include, the final spreadsheet of data consisted of the following categories (*may indicate interviewer judgment of a code used to represent general responses):

- Current awareness of Olmstead Plan and goals*
- Understands intentions of the plan*
- Satisfaction with current engagement*
- Stakeholders that should be involved
- Preferred engagement
- Perceived damage from current engagement*
- Ideal engagement format
- Barriers to engagement
- Opportunities of what can be done

The team divided the categories among the group so each consultant had a group to analyze. After data was grouped, some categories of responses were found to be better placed within another category and were reassigned as needed.

Research Findings

1. What is the level of community awareness and engagement with the Olmstead vision?

Interviewees were asked a series of questions related to research questions about their current knowledge and understanding of the Olmstead Plan and its goals and intentions. Their awareness levels are shown in Figure 1, understanding of intentions of the plan are shown in Figure 2, and satisfaction levels are shown in Figure 3.

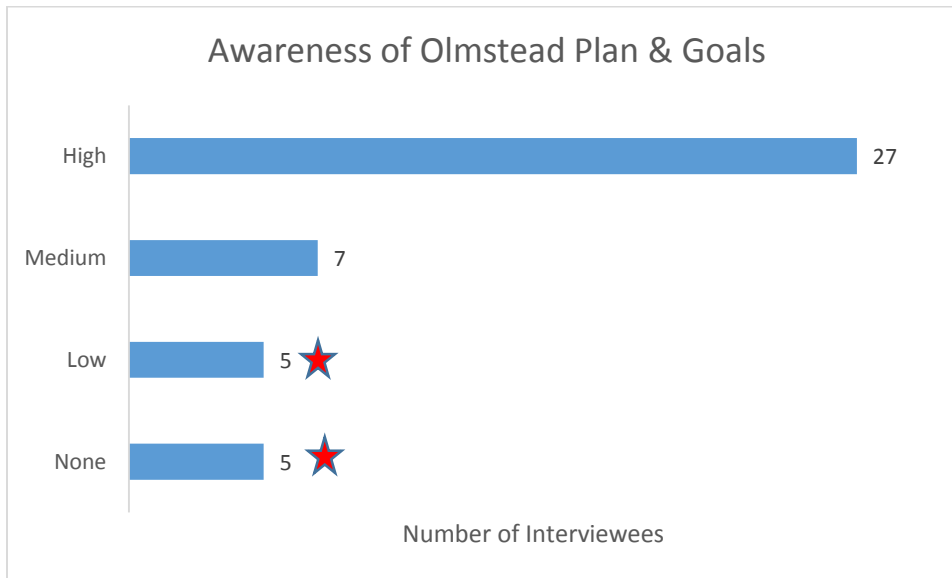


Figure 1

Almost 2/3 of the respondents expressed a high awareness of the Olmstead Plan and its goals. About 1/4 of the respondents had little to no awareness of the Olmstead Plan and its goals.

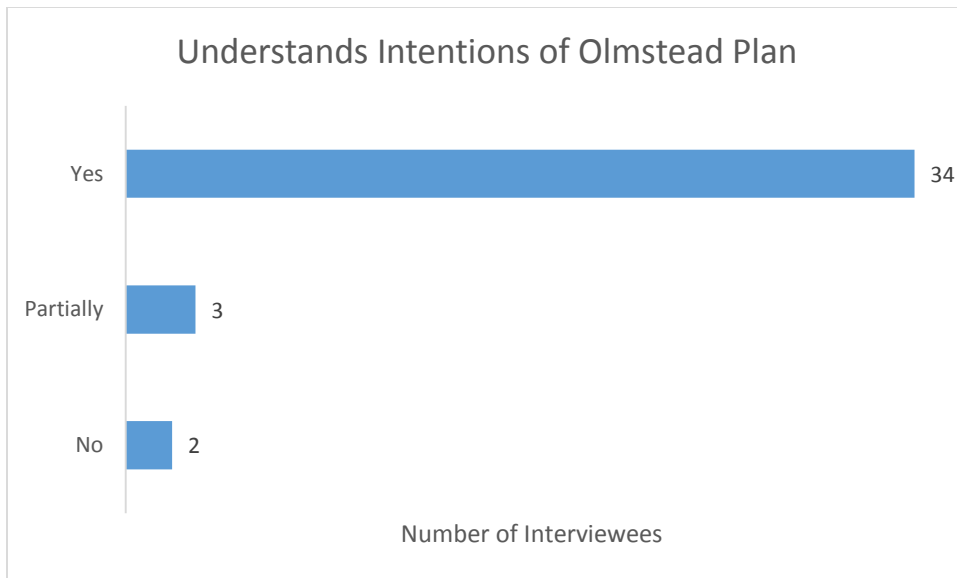


Figure 2

More than $\frac{3}{4}$ of the respondents that had awareness of the Plan expressed an understanding of the intentions of the Plan.

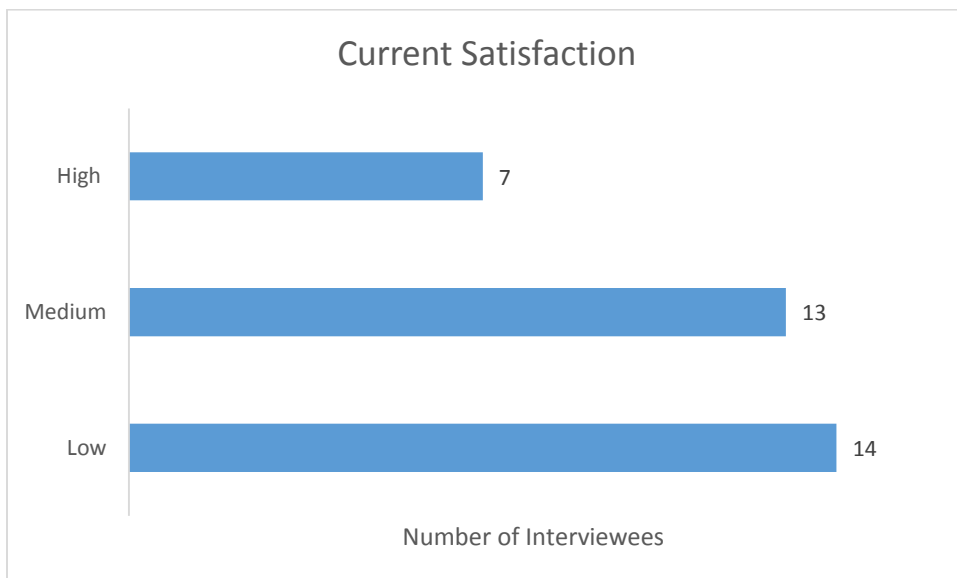


Figure 3

About 20% of the people interviewed that have been engaged said they were highly satisfied with the level of engagement they have had with the Plan and office.

“Our input has been well received, the state relied on us to help with goals.”

A few suggested that implementation was going well and recognized that the OIO was doing what they could.

“I felt listened to ...”

About 40% of those interviewed had a moderate satisfaction level with engagement processes.

“I like that they did the stakeholder meetings throughout the state. However, the plan does not speak to the desires of the people who attended those meetings.”

“I'm overwhelmed with the details related to the plan. Be realistic. Work across sectors in the community to implement.”

About 40% of the people we talked to expressed low satisfaction with the Plan and their current engagement level.

“Implementation is taking too long.”

“The Plan was fast-tracked through and is largely based on the view of a few people who don't represent the interests of the majority of people with disabilities and now it's creating a lot of anxiety.”

Several cited an overall feeling that the process is moving too slowly.

“This is just going to take awhile ... it is really complicated.”

“Seems like the plan is quiet ... confused on what is happening.”

Several expressed negative comments related to how implementation was going, citing lack of collaboration among stakeholders, the “siloe” nature of the state, and unintended consequences.

“Government is not listening to people with the greatest needs ... not acceptable to leave some voices out.”

“Minnesota has historically had a very siloe system ... people with disabilities, their lives are not neatly separated into those areas.”

2. What are optimal community engagement models to help advance Olmstead vision implementation?

The Capstone team reviewed a variety of public engagement literature to highlight research-validated concepts, frameworks and resources for the OIO to consider in its public engagement work.

Successful public engagement efforts consider goals and plan accordingly

The International Association for Public Participation offers a spectrum to help planners identify public participation roles with public engagement expectations:¹⁷

IAP2'S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Bryson et al. offer a comprehensive framework to identify the goals and intentions of collaboration with strategic design considerations and evaluation criteria.¹⁸ (See Appendix D.)

¹⁷ International Association for Public Participation (n.d.). IAP2's public participation spectrum. Retrieved from <http://www.iap2.org/>

¹⁸ Bryson, J.M., Quick, K.S., Schively Slotterback, C., & Crosby, B.C. (2012). Designing Public Participation Processes - Theory to Practice. *Public Administration Review*, 1-12.

Successful cross-sector collaborations require integrative leadership

Crosby and Bryson¹⁹ identified that cross-sector collaborative efforts require integrative (shared, adaptive, cross-sector guidance on complex social issues) leadership for ideal quality, impact and sustainability. The authors suggest that complex public challenges can only be adequately addressed if organizations and champions collaborate across sectors.²⁰

The Olmstead Plan and vision are complex and require that adaptive changes in attitudes, values, and beliefs are made among stakeholders and the general public. To address these changes, integrative leadership will be particularly important to facilitate implementation of the Olmstead vision. Cross-sector efforts require sponsors and champions who understand the key components of effective collaboration and have the skills to guide complex systems and understand contextual challenges and opportunities.²¹

Coproduction of services increases effectiveness

Bovaird argued that the one-way, top-down approach to policy making is outdated. Coproduction in service planning and delivery is one way to increase effectiveness by developing capacity and integrating complex environments to help develop resources and share information.²²

Coproduction is: “the provision of services through regular, long-term relationships between professionalized service providers (in any sector) and service users or other members of the community, where all parties make substantial resource contributions ... it locates users and communities more centrally in the decision-making process ... [and] demands that politicians and professionals find new ways to interface with service users and their communities.”²³

Thomas offers another coproduction definition: “When governments partner with nongovernmental entities, including members of the public to jointly produce services that governments previously produced on their own.”²⁴

Best practices exist for designing public participation and inclusive processes

The way engagement is organized and structured has consequences for outcomes and relationships. Bryson et al. developed a framework that illustrates a cycle for designing participation processes that includes “assessing and designing for context and purpose, enlisting resources and managing the participation, and evaluating and redesigning continuously.”²⁵ The

¹⁹ Bryson, J., & Crosby, B. (2010). Integrative leadership and the creation and maintenance of cross-sector collaborations. *The Leadership Quarterly*, 211-230.

²⁰ Ibid, page 211.

²¹ Ibid, page 217.

²² Bovaird, T. (2007). Beyond engagement and participation: User and community coproduction of public services. *Public Administration Review*, 67(5), 846-860.

²³ Ibid, page 847.

²⁴ Thomas, J. (2013). Citizen, customer, partner: Rethinking the place of the public in public management. *Public Administration Review*.

²⁵ Bryson, J.M., Quick, K.S., Schively Slotterback, C., & Crosby, B.C. (2012). Designing Public Participation Processes - Theory to Practice. *Public Administration Review*, p 12.

authors advocate for including stakeholders in coproduction of the process that facilitates better outcomes.

Quick and Feldman defined and distinguished participation from inclusion. By designing engagement practices with high participation, the input of many people who represent the community are given access to impact decisions. By facilitating greater levels of inclusion in engagement, connections are made across subjects, sectors, organizations and people. This helps to build the capacity to implement decisions and address a range of issues at the current time and into the future. The public tends to be more satisfied with processes that are more inclusive. High levels of both participation and inclusion increase the quality of decisions.²⁶

Besides encouraging ongoing connections, inclusive processes:

- Encourage “multiple ways of knowing”
- Explore difference to work toward new understandings
- Use coproduction
- Reflect on the past as they move forward
- Are iterative and change as new people become involved and practices evolve.²⁷

The relationship of engagement to change implementation matters

Sandfort and Moulton outlined a continuum of engagement styles that lead to desired outcomes.²⁸ When public managers engage and regard participants as citizens, they use more participatory approaches of coproduction and include participant information to define results. When public managers view participants as customers or clients, they are more likely to voluntarily provide information and resources as well as manipulate choices and provide incentives. At the other end of the spectrum, public managers sometimes regard the public as captives with which to place mandates that require, prohibit or sanction certain activities.

Engagement continuum for implementation activities with different target groups²⁹

Citizens-----		customers-----		clients-----		captives-----	
coproduce services		provide info		manipulate choice architecture		require or prohibit	
solicit info to define results		provide resources to enable action		provide incentives		coerce with sanctions	
Participatory -----		Voluntary -----				Mandatory	

When working to understand implementation, planners must look at the strategic action fields and various levels in a system including the policy field, organizational, and front line levels and the social structures and individual contexts occurring at those levels.³⁰

²⁶ Quick, K., & Feldman, M. (2011). Distinguishing participation and inclusion. *Journal of Planning Education and Research*, 31(3), 2011, 272-290.

²⁷ Ibid, page 139.

²⁸ Sandfort, J., & Moulton, S. (2015). *Effective implementation in practice: Integrating public policy and management*. San Francisco: Jossey-Bass.

²⁹ Ibid, page 179.

³⁰ Ibid, page 69.

In a model adapted from Knoster, Shea reported that the key attributes needed for successful change in complex systems include vision, consensus, skills, incentives, resources, and an action plan.³¹ Shea added communication and empowerment to the model. The model states that without these attributes, confusion, sabotage, anxiety, resistance, frustration, a treadmill effect, lost opportunities, and apathy can occur.

3. How do stakeholder groups want to engage?

The respondents shared a wide range of ideas shown in Figure 4 regarding how they wish to engage with Olmstead Plan implementation. Most ideas expressed by respondents relate to the importance of communication. This included the frequency of communication, preferences for specific types of information, and various communication vehicle preferences and forums that could better facilitate meaningful dialogue between the OIO and stakeholders. Respondents also mentioned specific stakeholders they believe are important to include in Olmstead Plan engagement.

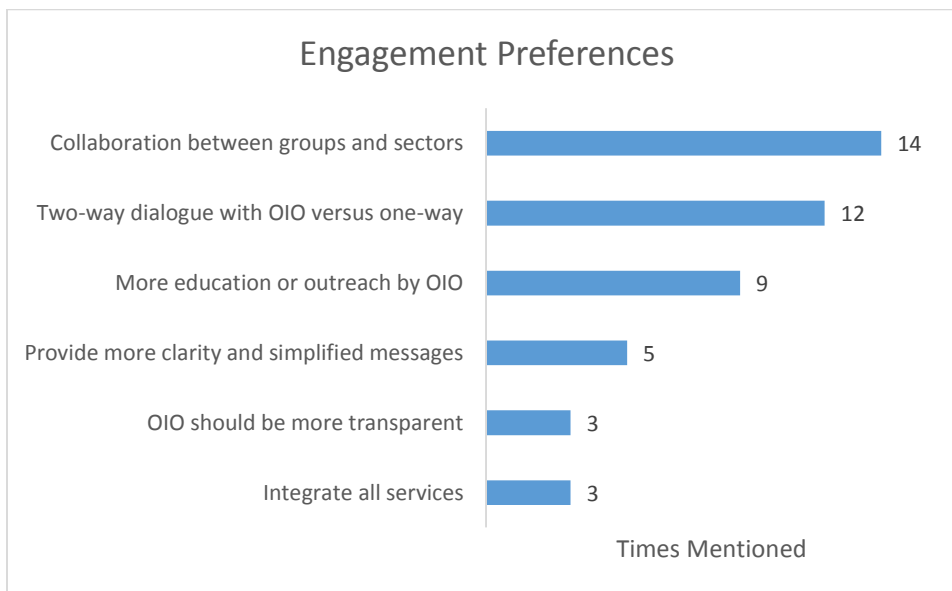


Figure 4

Collaboration among sectors is a top request. Detailed information of models is outlined in question 2 above and Appendix D.

Significant comments from the respondents related to this aspect:

“I like that they did the stakeholder meetings throughout the state. The plan does not speak to the desires of the people who attended those meetings.”

³¹ Shea, T. (2015, Mar 10). *Can't we just all get along?* [Powerpoint slides]. Presentation to PPP Capstone at Humphrey School of Public Affairs.

“Darlene [Zangara] has been in contact with a lot of people and the OIO just needs to continue that open dialogue.”

Strong requests for two-way dialogue

Respondents expressed the desire for two-way dialogue. Stakeholders want to feel assured that the State/OIO is listening to their ideas and concerns and taking them into consideration when developing the Olmstead Plan. Allowing for this type of two-way dialogue suggests a more inclusive public engagement model than is currently in place in Minnesota. The community listening sessions the OIO has facilitated suggests more of a one-way model, where the Olmstead Plan drafters are seeking input from wide, but perhaps not complete, representation of stakeholders to get feedback on their ideas for implementation steps. A number of stakeholders interviewed in this study are unsure how their input has been considered and would like to engage in a way that provides a more transparent decision making process and rationale for decisions made by the OIO/State.

According to Thomas, “too many public involvement initiatives ... [limit] the public’s role to commenting on a proposed decision that is essentially a fait accompli. Citizens who give their time to public involvement may reasonably expect that their ideas will influence the eventual decision. Denied that influence, they may not buy into the decision, which may have been the reason for inviting their involvement in the first place.”³²

Communication is very important

Respondents generally expressed the desire for transparency, clarity, education and outreach, and dialogue in engagement and communication from and with the State/OIO. This suggests an implied desire for more frequent, explanatory communication regarding OIO planning in general. In the absence of more concrete information from external sources (or in this case, the State as the perceived “authority” on regulated Olmstead Plan implementation), people may “fill in the blanks” with their own narrative and assumptions.

Preferred types of information

Several respondents expressed the need for more general overarching vision and more information related to what specifically they need to do to help realize the Olmstead vision and be in compliance with newer expectations and regulations. Key comments included the following:

“Providers want to know what they need to do.”

³² Thomas, J. (2013). Citizen, customer, partner: Rethinking the place of the public in public management. *Public Administration Review*, 73(6), 786-796.

“It is a big picture policy so there is a lack of guidance at the provider level.”

“Put together an informative presentation about what the Olmstead Plan is and use it to educate Chambers of Commerce, public housing entities, local governments, disability groups, and especially people with disabilities.”

Preferred format for engagement

Figure 5 shows preferred engagement formats mentioned by the respondents.

The number of comments regarding “collaboration” in the above chart and “town hall” suggest a preference for engagement forums that feature open dialogue and ideation where many sectors can consider and work together to discuss opportunities and challenges.

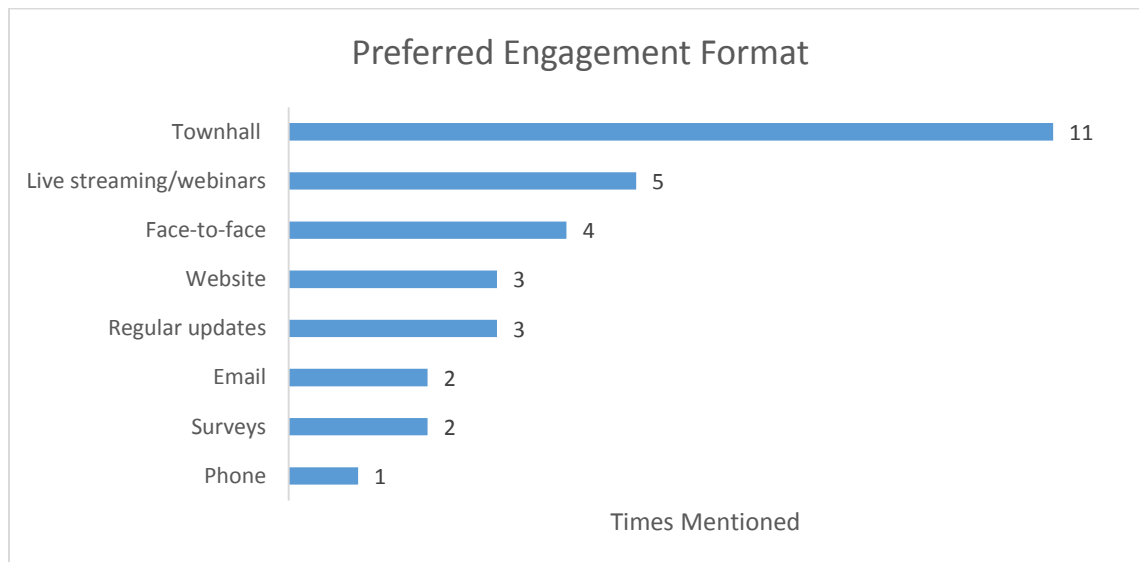


Figure 5

Stakeholders to include

Respondents were asked who they believe are important stakeholders to include in Olmstead Plan processes. Figure 6 shows a representation of the stakeholders that respondents would like to see involved. Stakeholders identified most often were people with disabilities and providers.

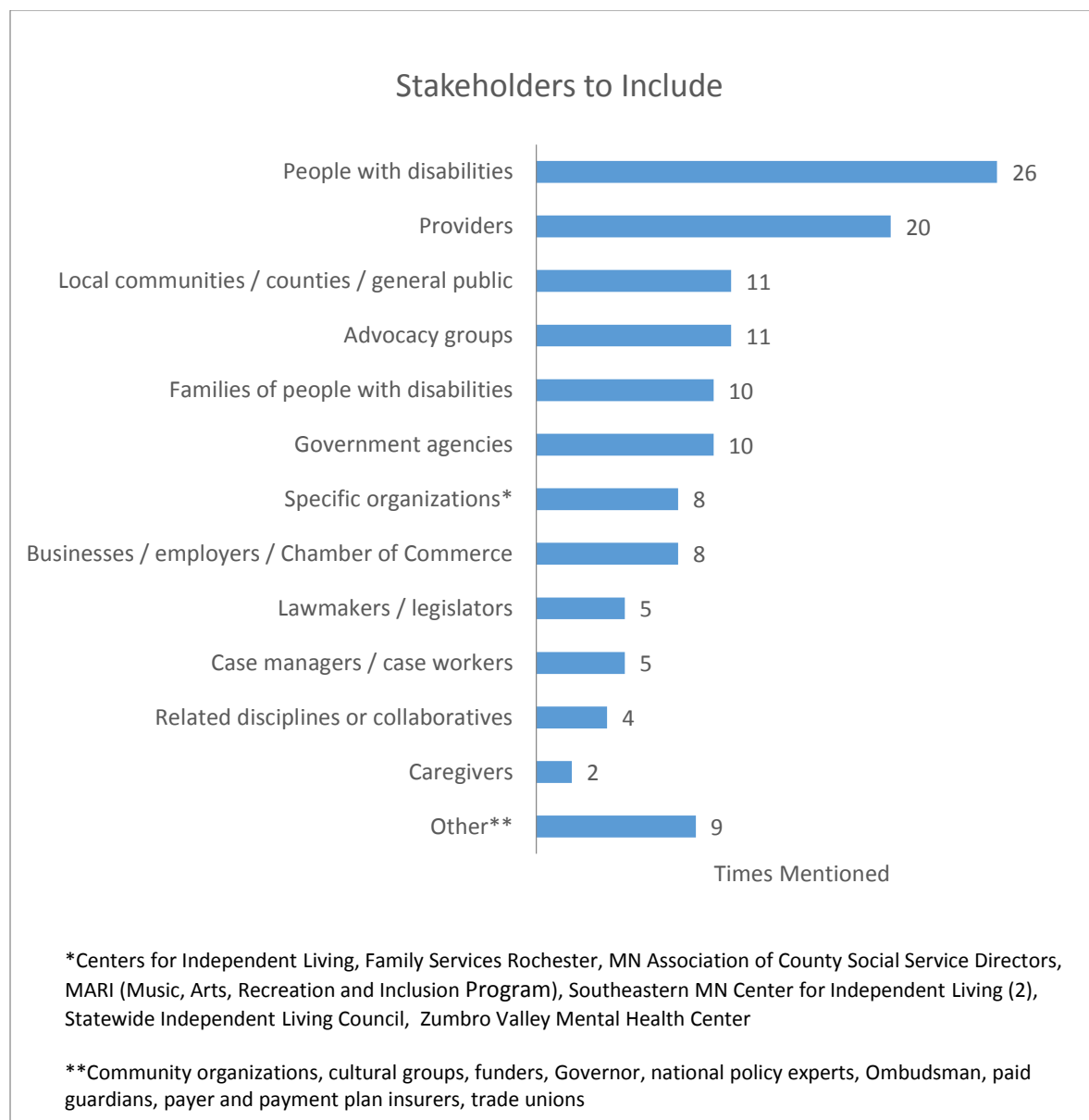


Figure 6

4. What barriers currently exist that limit successful engagement?

We asked interviewees about the barriers they perceived as limiting successful engagement. Many respondents mentioned multiple barriers that we categorized into related themes shown in Figure 7.

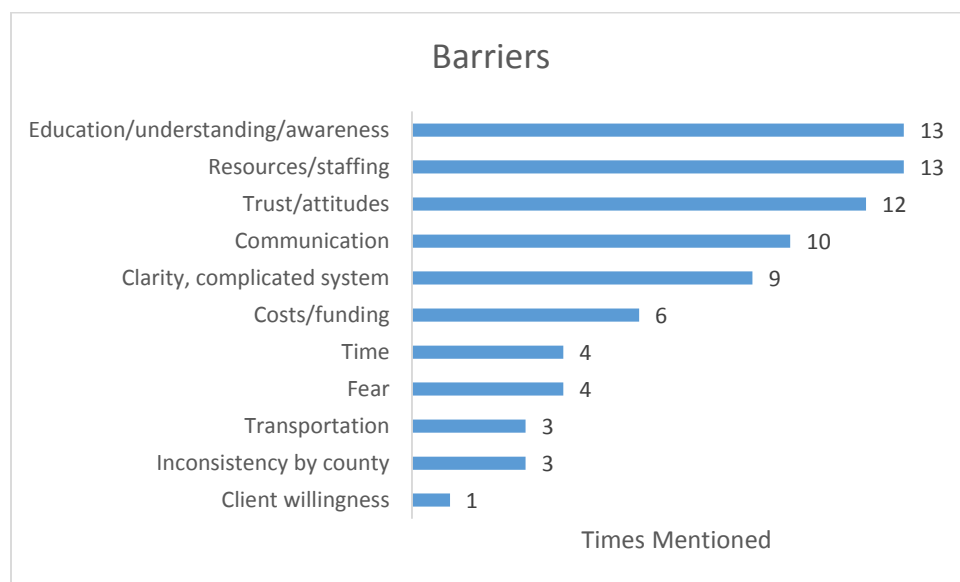


Figure 7

Barriers cited included:

Lack of education, understanding, and awareness:

"A lot of people don't understand what options are out there."

"And that it's alright [for people with disabilities or their families] to ask for other options that may not currently exist in a community."

Lack of resources and staffing necessary to implement the Olmstead Plan or develop community engagement

Not enough trust and transparency in the process of decision making:

"We need to understand 'who' is the Olmstead Plan ... who is the face of this plan. We don't know who to contact."

One-sided dialogue/communication/ignorance of others:

“Jargon and ‘insider’ talk of the Olmstead Plan does not get translated to the rest of the community/stakeholder world.”

“The ‘high level’ people aren’t talking with the people working directly in the field.”

Lack of clarity, combined with complicated system/conflicts with waivers, and perceptions of disconnect in terms of how to put the policy into practice:

“The State must seek advice from experts in crafting/drafting their policies.”

“Providers want to comply, but don't know the specifics of exactly how, and resources are so tight for most providers.”

High costs to implement combined with limited funding:

“We need a much higher staffing level than we can do with the funding available.”

“It’s impossible to do this with current funding.”

Other barriers cited to a lesser extent include:

- Fear of change that either limits opportunities or changes business models that result in loss.
- Inconsistency by county; discrepancy between metro and Greater Minnesota.

“It’s a mistake to have it (implementation) at the county level ... needs to be state-administered system ... there’s no consistency county to county.”

“It shouldn't matter what county you live in to get services. If it was State run, you wouldn't have to compete with other counties.”

- Limited transportation options for people with disabilities
- Lack of willingness by the person with the disability to live with greater independence

“Clients want to come back to what they know.”

- Concerns about safety for people with disabilities

5. Has there been damage in the minds of stakeholders from the current style of engagement to date?

Not to be confused with barriers that can often be addressed and resolved, interviewees were asked for their opinions on damage that may have resulted from implementation efforts thus far and/or consultants placed comments that indicated damage in this category. Common themes are indicated in Figure 8.

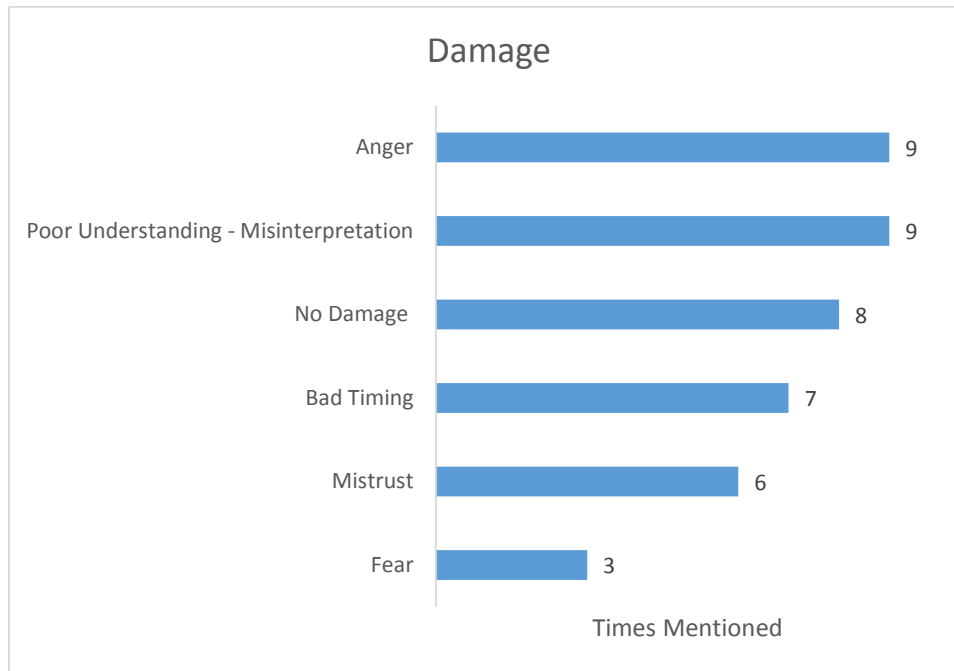


Figure 8

Research shows that in public participation cases where trust and legitimacy have been lost or damaged, a more inclusive and participatory model in which all stakeholders re-create the process (goals, resources, actions) from the ground up will repair damage and build a strong framework for a future, iterative process.³³

There are some respondents who are familiar with the OIO and Olmstead plan goals and indicated no sense of damage, or significant dissatisfaction with current outreach efforts.

More than two-thirds of respondents reported feelings that would indicate some damage from experiences with the OIO/DHS to date.

³³Feldman, Martha S., Quick, Kathryn S., (2009), *Generating Resources and Energizing Frameworks through Inclusive Public Management*, International Public Management Journal, pp. 137-171.

Some of the experiences and thoughts related through interviews such as confusion, fear, resistance to change, frustration, and apathy are outcomes listed in Knoster's adapted model that show lack of several factors necessary for change in complex systems. These include vision, consensus, skills, incentives, resources, action plan, communication and empowerment.³⁴

Feldman & Quick illustrated a "cascade of unintended effects" that occurs in technical expertise processes. These include anger, 'us. vs. them,' questioned legitimacy, and organization of alternative forums.³⁵ All of these things were reported in interview findings.

Causes of damage were attributed to

- Poor understanding of the Olmstead plan, and feeling misinformed or uninformed or otherwise unclear with its intentions and how it was being implemented.

"There isn't a lot happening with the Olmstead Plan. The plan is developed, but that's about it."

- Feelings of distrust and marginalization from providing input through listening sessions or contact with the OIO/DHS and not getting feedback on how their ideas were being addressed and/or not seeing changes in the Olmstead Plan that reflected their concerns and feedback.

"... requests come on a short timeline...these short timelines limit the type of feedback we can give them (it takes longer than 2-3 days), sometimes we submit feedback after a deadline ... frustrated with timelines and lack of time they get to collect feedback ... if the OIO wants to improve community engagement, they will have to look at this."

"Some people might feel disenfranchised due to lack of follow up, or acknowledgement to their stated concerns with the wording of the current draft of the Olmstead Plan."

- Feelings of anger, including such aspects as feeling bullied, frustrated with a perceived lack of coordination and infighting among groups/offices/organizations, and perceived mismanagement of implementation regulation changes.

"Very little collaboration between groups all trying to do the same thing."

"People are stuck in thinking all people with disabilities need to be institutionalized. Still a whole generation that thinks that."

³⁴ Shea, T. (2015, Mar 10). *Can't we just all get along?* [Powerpoint slides]. Presentation to PPP Capstone at Humphrey School of Public Affairs.

³⁵ Feldman, Martha S., Quick, Kathryn S., 2009, *Generating Resources and Energizing Frameworks through Inclusive Public Management*, International Public Management Journal, pp. 137-171.

"Really? This is a plan? No assets, no money to get on plan. People have been harmed. They won't fix it. Too complicated of a system."

"Feels black and white."

- Feelings of losing patience and hope for the implementation process due to the long duration of the implementation.

"It's been slow. It's been piecemeal."

- Fear that OIO plan interpretations and changes would do harm to their business model.

"Center-based programs are scared about the lack of clarity and what they are supposed to do."

6. What opportunities exist that would facilitate stakeholder engagement?

Interviews concluded by asking the participant for suggestions of opportunities and how they might work with other sectors to improve engagement with Olmstead Plan implementation. Asking this final question invited respondents to engage in constructive thinking about ideal engagement going forward. Some of the responses focused on ideas for better engagement around the issue, and some focused on specific implementation strategies. See Figure 9 for responses.



Figure 9

Opportunities suggested include

- Deliver more education to communities: Recognizing that “community” often meant something different to our interviewees, several mentioned that the Olmstead Plan was unknown outside of stakeholders that were working intimately with the Plan, completing waivers, working with families, etc.

“We need more shared understanding of what it's going to take to implement ... we need to get on the same page.”

- Engage providers in many ways.

“It's important to engage providers, even if they might feel threatened.”

“Providers can adapt and create new services ... learn best practices from providers.”

- Use stakeholders to spread knowledge.

“Mix up lawmakers and policy/state planners with boots-on-the-ground perspective. This is a real opportunity to change attitudes about "disability" at a societal level.”

“Make sure we are all talking at all levels of responsibility to each citizen.”

- Provide more training for case workers/providers.

“We need to figure out how to share best practices with one another.”

- Work across sectors in the community. Several suggested collaboration among multiple sectors within a community sharing a common goal of helping people with disabilities.

“We need the power of bigger voice.”

“What we can't do alone, we as a network can do.”

- Offer more education to families and people with disabilities.

“We certainly have influence and opportunity to help people better understand what Olmstead is about.”

- Emphasize choice (new or existing), lessen rules, and create more flexibility with waivers.

“People do not always understand full range of living options. Often they have not planned for or researched options.”

“Look at current resources, consider the regulations that may be barriers and attempt to remove; let go of current constraints to move forward.”

Other opportunities mentioned:

- Create reasonable goals: *“This is overwhelming”* was heard often. Several mentioned starting with reasonable goals for transitioning people to the new system.
- Improve cost effectiveness
- Show leadership
- One respondent suggested that new vacated housing made available from people moving into more independent living facilities could be utilized to help fill the critical shortage of needed residential facilities (“beds”) for current mental health patients throughout Minnesota. This suggestion supports literature findings that more inclusive dialogue in public-private partnerships will often uncover new ideas and opportunities for solving and resourcing problems.³⁶

³⁶ Feldman, Martha S., Quick, Kathryn S., 2009, *Generating Resources and Energizing Frameworks through Inclusive Public Management*, International Public Management Journal, pp. 137-171.

Discussion

The research findings and literature review indicate the need for an integrative leadership structure to build cross-sector connections. These relationships foster potential to center efforts on the needs and interests of people with disabilities and employ inclusive, participatory processes. Many of the people interviewed for this research represent actual or potential champions who have diverse levels of awareness and participation. The Olmstead Plan addresses complex issues that involve the lives of all Minnesotans to varying degrees.

The process of interviewing and understanding the context from a variety of perspectives experienced by a broad group of stakeholders done in this study helps facilitate the beginning of an integrative leadership process. Results from these interviews help define the current conditions and potential issues, risks and constraints felt by stakeholders. Evaluation of these findings provides evidence and opportunity to improve structures and better meet desired Olmstead Plan outcomes.³⁷

In addition, Crosby and Bryson advocate for following the principles of cross-sector collaboration, especially when driving forces such as lawsuits - in this case, the *Jensen settlement* - increase attention.³⁸ People recognize when traditional ‘siloed’ management approaches do not work, which was mentioned in several interviews.

Based on interview results, the OIO should consider the following purposes when designing engagement processes: inform the public, enhance understanding, generate support, and manage uncertainty.³⁹

Regarding the OIO and the Olmstead Plan policy field, leadership currently occurs primarily at the State level. However, effective integrative leadership must also be championed and examined at all levels and across sectors to build ideal capacity for change.⁴⁰ Other strategies from the interview responses that apply to include the following.⁴¹

- Establish a system of connection across boundaries
- Respond through processes to develop trust
- Build on stakeholder resources
- Measure and report impact of strategies
- Be open to change as needed

³⁷ Bryson, John M., Crosby, Barbara C., Integrative leadership and the creation and maintenance of cross sector collaborations, *The leadership Quarterly*, 2010, pp. 211-230.

³⁸ Ibid, page 218.

³⁹ Bryson, J.M., Quick, K.S., Schively Slotterback, C., & Crosby, B.C. (2012). Designing Public Participation Processes - Theory to Practice. *Public Administration Review*, p 2.

⁴⁰ Sandfort, J., & Moulton, S. (2015). *Effective implementation in practice: Integrating public policy and management*. San Francisco: Jossey-Bass.

⁴¹ Bryson, J. M., Crosby, B. C. (2010). Integrative leadership and the creation and maintenance of cross sector collaborations. *The Leadership Quarterly*, 211-230.

Factors for designing engagement, inclusive shared power and coproduction

It appears the OIO has mainly focused on increasing the breadth of participation in its community engagement process and perhaps reaches out to specific identified stakeholders for input. The data from interviews suggest that damage has occurred, and an inclusion process could help alleviate negative attitudes. In one of the case studies they researched, Quick and Feldman found that the city of Grand Rapids, Michigan successfully engaged their most vocal opponents in advisory roles. Because the Olmstead plan is vast and encompasses many areas, employing inclusion supports long-term prosperity and builds a “community of practice” surrounding the issue rather than engaging separate stakeholders.

Resourcing more inclusive methods for community engagement is worth the effort. New relationships and innovative ideas, building trust and legitimacy for the process and findings, and ensuring public value⁴² all improve with a more inclusive and democratic model for decision making.⁴³

Thomas asserted that “strong grounds exist [to involve public] if: 1) implementation of any decision requires the public’s acceptance and (2) that acceptance cannot be assumed without involvement.”⁴⁴ He provides many guidelines for working with the public. Those that are most important for the Minnesota Olmstead Plan work include the following:⁴⁵

- Recognize that it requires shared decision-making authority
- Plan to share decision making authority
- Recruit relevant groups and actors aggressively
- Anticipate issues rather than allowing them to develop elsewhere
- Offer a variety of techniques and multiple opportunities to hear from the public
- Do not involve the public unless authorities are committed to using results

This discussion has outlined community engagement models such as integrative leadership, cross-sector collaborations, and coproduction that are valuable given the context of the findings in terms of barriers and damage from existing engagement experiences and perceptions. The level of awareness and engagement related to the Olmstead vision and stakeholder expectations will likely increase using these strategies. Existing barriers and damaged relationships should and can be repaired by using more participatory styles of engagement. Many of the opportunities such as developing champions, amplifying awareness and acceptance, inspiring new ways of

⁴² Sandfort, J., & Moulton, S. (2015). *Effective implementation in practice: Integrating public policy and management*. San Francisco: Jossey-Bass.

⁴³ Feldman, M. S. & Quick, K. S. (2009). Generating resources and energizing frameworks through inclusive public management, *International Public Management Journal*, 137-171.

⁴⁴ Thomas, J. (2013). Citizen, customer, partner: Rethinking the place of the public in public management. *Public Administration Review*, page 793.

⁴⁵ Ibid.

thinking and potential efficiencies that people suggested would also be more likely to happen should these models be employed.

Community engagement plan

Besides community engagement plans and activities carried out by Sub-Cabinet agencies, the OIO has recently developed a community engagement plan which was approved by the Sub-Cabinet on March 10, 2015 and submitted to the court on March 27, 2015.⁴⁶ It outlines the importance of engaging communities and gives suggestions for how this can be done.

Specifically, it addresses important strategies for the community engagement of people with disabilities. However, it does not speak to an integrated method of engagement of the various sectors, networks, levels of government and the general public, something the research cited and interviewee responses indicated is important. Stakeholders that shared input to create the plan included several advocacy groups as well as state government agencies and the Met Council.⁴⁷ Missing from the list are counties, providers, and other stakeholders.

With state agencies working within their own stakeholder fields, it will be important to coordinate closely and through one shared strategy and engagement plan to avoid inconsistency and disconnect and/or likelihood of not having the range of stakeholder input for how the whole community can work and engage together.

⁴⁶ Minnesota Department of Human Services (2015). *Olmstead community engagement plan*. Retrieved from: http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Rendition=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16_193724

⁴⁷ State of Minnesota Olmstead Planning Committee (2015). *Minnesota's Olmstead plan*, p 13. Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=opc_home

Recommendations

The results from interviews with key stakeholders and insights gathered from the literature lead to a number of recommendations for the OIO and Olmstead Sub-Cabinet to consider for planning and facilitating future community engagement efforts to advance the Olmstead vision in Minnesota:

1. Use the public engagement planning frameworks referenced in this paper.

- Has the OIO considered its short, medium, and long-term purposes for community engagement? If the OIO wishes mainly to generate feedback and support for its decisions regarding implementation, there are specific design considerations to help mitigate feelings of marginalization and promote buy-in to help address current barriers and dissatisfaction reported in our interview findings.
 - We recommend the IAP2's Public Participation Spectrum⁴⁸ and to follow the design guidelines, assessment, and evaluation criteria in "Designing Public Participation Processes" framework to "create and sustain adaptive capacity for ongoing problem solving and resilience."⁴⁹
- Conduct a policy field audit⁵⁰ to understand organizations that are interested and have resources that can help make change. This practice shares knowledge about important laws and regulations, tools to leverage resources, and supports learning and implementation.⁵¹ Other strategies to assist with planning better engagement processes include understanding frontline interactions,⁵² analyzing target group experiences,⁵³ and analyzing implementation.⁵⁴
- The University of Minnesota Center for Integrative Leadership⁵⁵ and Urban Research and Outreach Center⁵⁶ can provide additional expertise and insight into integrative leadership opportunities for Olmstead Plan implementation. The Center sponsors biannual forums for public participation and engagement such as *Leadership to Advance Grand Challenges and Advance the Common Good* that could serve as a catalyst for statewide discussion using inclusive and shared power formats.

⁴⁸ International Association for Public Participation (n.d.). *IAP2's public participation spectrum*. Retrieved from <http://www.iap2.org/>

⁴⁹ Bryson, J.M., Quick, K.S., Schively Slotterback, C., & Crosby, B.C. (2012). *Designing Public Participation Processes - Theory to Practice*. *Public Administration Review*, 1-12.

⁵⁰ Sandfort, J., & Moulton, S. (2015). *Effective implementation in practice: Integrating public policy and management*. San Francisco: Jossey-Bass, p. 261.

⁵¹ Ibid

⁵² Ibid, p. 271.

⁵³ Ibid, p. 275.

⁵⁴ Ibid, p. 279, 283.

⁵⁵ University of Minnesota (2015, May). *Center for Integrative Leadership*. Retrieved from Center for Integrative Leadership website http://www.leadership.umn.edu/about/landing_about.html.

⁵⁶ University of Minnesota (2015, May). *Urban Research and Outreach-Engagement Center*. Retrieved from Urban Research and Outreach website <http://www.uroc.umn.edu/about/mission-vision.html>.

2. Re-engage all stakeholders and repair connections with key stakeholders who are feeling damage from previous engagement processes. Plan new inclusive facilitation processes.

- Involve a skilled facilitator to lead new discussions to help find common ground among all stakeholders (including OIO/State as equal partners) and their interests and concerns to help repair damaged trust and relationships.
- Add new forums and governance structures to share decision-making power with regard to specific Olmstead Plan items.
- Redesign future engagement structures to assure two-way dialogue with people with disabilities, providers, and all stakeholders. This will require strong feedback and more detailed loops of information to all parties on the status of their comments and ideas.

3. Leverage resources by using specific engagement strategies and tools to increase participation in ways that generate new ideas, identify champions and establish collaboration.

- Use design-thinking principles to embrace diversity, collaborate with people and organizations who have not previously worked together, create visibility, empathy, and strengthen a collective call for action.⁵⁷
- Sandfort and Moulton suggest the following tools for engagement when working with adaptive challenges⁵⁸ such as the challenges Olmstead Plan implementation has faced:
 - Learn more about and employ strategic management and planning tools available
 - Use facilitation methods such as Art of Hosting⁵⁹ techniques
 - Conduct focus groups or further interviews
 - Analyze whole systems and identify and engage stakeholders to assist with and champion implementation.
- Conduct road shows and/or statewide conferences to expand the number of key stakeholders and potential champions and networks for dissemination and sharing of information. Empower Sub-Cabinet members to reach out to key stakeholders and

⁵⁷ Singh, V., Knuth, K. (2015). Integrative Leadership Workshop. [Workshop notes]. *Boreas Workshop at University of Minnesota*, St. Paul, Minn.

⁵⁸ Sandfort, J., & Moulton, S. (2015). *Effective implementation in practice: Integrating public policy and management*. San Francisco: Jossey-Bass.

⁵⁹ Art of Hosting. (2015, May). *Art of Hosting and Harvesting Conversations that Matter*. Retrieved from Art of Hosting website <http://www.artofhosting.org/>.

conduct face-to-face meetings to foster personal engagement and inclusion and maximize efforts of the OIO.

- Seek opportunities to include the Olmstead vision within existing social movements and awareness building campaigns, such as in the aging field, city/county/state plans, public-private partnerships in early childhood education, statewide economic development efforts (for example Destination Medical Center and Journey to Growth in Southeast Minnesota), transportation planning, etc.

4. Strengthen comprehensive communication and education efforts.

All respondents indicated a high interest in and concern for helping to realize the Olmstead vision in Minnesota. A key barrier that respondents cited was a lack of ongoing information and dialogue on the topic for how to accomplish different aspects of the vision.

- Capture more personal testimonies of all types of people with disabilities (seen and unseen) to help widen general community/societal awareness, empathy and efforts through compelling storytelling.
 - Tell stories in newsletters or through videos on websites
 - Generate an awareness/media campaign to develop political will and political and/or advocate leadership
- Increase understanding of the issue and its implications: Help the wider public and stakeholder audiences to understand the importance of implementing the Olmstead vision:
 - Outline alternative outcomes such as a risk-benefit analysis that demonstrate the risks of complacency and benefits from action
 - Estimate and share the negative economic consequences of not being successful, such as potential federal government sanctions, penalties, supervision, federal government orders
 - Forecast the economic costs associated with increases in older adult demographics in Minnesota's population which is expected to increase the number of people with disabilities (due both to aging and increase of chronic disease)
- Learn more from stakeholders about specific trouble spots while sharing the Olmstead story with larger numbers of potential stakeholders to generate interest and awareness. Conduct a survey to collect more information about preferences, awareness levels, ideas, etc., that could spur new interest and opportunities for engagement. In addition, a survey could:
 - Identify potential champions, volunteers, and networks

- Collect best practices and identify examples where things are working well for replication
- Identify pain points to address when planning engagement and relationship building activities
- Serve as a two-way communication exercise to bolster wider public trust and connection
- Explore differentiation between urban vs. greater Minnesota implementation planning and resource needs
- Enhance trainings
 - Provide more step-by step-educational tools such as frequently asked question documents focusing on specific implementation areas, webinars, and on-site visits to help stakeholders understand compliance needs based on their unique environments
- Help resolve conflict among stakeholders
 - Learn how to use collaboration tools such as polarity and strategy mapping tools⁶⁰ within new or existing public forums to discuss and identify common ground on issues, challenges, constraints, and expectations
 - Use an outside facilitator to host exercises to better ensure shared power and neutralize perceived biases and power differentials among stakeholders

5. Reduce perceived risks of change.

Community engagement occurs within the context of existing, often complex systems. The constraints of large established governance systems include statewide statutes, regulations, and processes that can challenge change efforts. If flawed large-scale changes are implemented, damage can occur system-wide.

- Engage stakeholders to explore solutions on a smaller and more feasible scale to learn from and expand as appropriate.
- Produce pilot programs of subgroups to create scalable solutions and test protocols for implementation. This could ease the challenges of change are minimize damage to existing larger scale systems.

⁶⁰ Bryson, J., Ackermann, F., Eden, C., Finn, C. (2004). *Visible thinking, unlocking causal mapping for practical business results*. John Wiley & Sons, Ltd.

Limitations

A major limitation of our study, due to the timeline for completion and institutional review board constraints, was the inability to interview people with disabilities, who, as the target group of the work surrounding the Olmstead Plan, have viewpoints that should be at the center and be the priority of any efforts conducted in the policy field.

The results of the interviews cannot be generalized broadly as we only interviewed 47 individuals, many of whom were interviewed due to convenience of geographic location or because they were known by, or suggested to, the interviewers.

For research on other state practices, extensive data exists online around 1999-2001, closer to the time of the Olmstead case. Much of the data has not been updated, so the findings were limited by the need for the Capstone consultants to contact people to provide current information about other states' activities.

Having six interviewers with different styles and who varied some questions and interview structures to accommodate the context of each interview produced data that was not uniform among all interviews. In addition, each member of the team coded their own interview responses, which may reflect subjective inconsistencies based on personal evaluations of comments.

Conclusion

Minnesota has an opportunity to be a leader and example to other states in implementing community engagement. Opportunities exist to re-engage stakeholders and involve those who are not aware of or have not been included in Olmstead-related planning and development.

Committing to participatory methods that support inclusion and coproduction in planning and delivery involves a culture change in governmental approach and expectations of those accustomed to traditional, top-down practices. Recognizing and implementing new possibilities for people with disabilities to be more fully integrated into their community environment requires a shift in community approach.

Using engagement strategies referenced in this paper to transform how the Olmstead Plan engages communities in fostering more choice for people with disabilities requires a collaborative effort. Proven strategies suggest ways to strengthen relationships with untapped or disenchanted stakeholders and work with nonprofit advocacy organizations and communities. Enhanced communication and collaboration promote the Olmstead vision and create positive outcomes for all.

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Appendices

Appendix A: List of Interview Respondents

Appendix B: Members of the Initial Olmstead Plan Sub-Cabinet

Appendix C: Interview Questions

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Appendix F: Narrative Timeline of the Minnesota Olmsted Plan

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Appendix A: List of Interview Respondents

Public

Representative Joe Schomacker		Minnesota House of Representatives, District 22A
Dale Hiland	Social Services Supervisor	Southwest Minnesota Health and Human Services Marshall, Minn.
Mark Shaw	Director of Social Services	Rice County Northfield, Minn.
Vicki Stevens	Human Resources Executive and Clinic Operations Administrator	Northfield Hospital Northfield, Minn.
Darlene Schroeder	Agency Policy Specialist	Minnesota Department of Human Services
Paul Fleissner	Director	Olmsted County Community Services Rochester, Minn.
Jim Behrends	Director	Olmsted County Adult Services, Olmsted County Community Services Rochester, Minn.
Representative Kim Norton		Minnesota House of Representatives, District 25B Rochester, Minn.
Becky Robinson	Forensic Social Services Director	Minnesota Department of Human Services/St. Peter Regional Treatment Center
Joan Wilshire David Fenley	Director Legislative Aid	Minnesota State Council on Disabilities

Public

Beth Fondell	Training Coordinator	Institute for Community Integration (ICI) Minneapolis, Minn.
Andrea Zuber	Director	Dakota County
Andrew Ervin	Case Manager	Hennepin County

Private – For-profit

Lila Bauer	Owner/employer	Pizza Ranch Luverne, Minn.
Kari Kuhlman, RN	Director of Nursing, Assistant Administrator	Hiawatha Homecare Red Wing, Minn.
Leah Radman	Area Director of Operations	Rehabcare Randolph, Minn.
Karin Stockwell	Director	Dungarvin Mendota, Minn.

Private – Non-profit

Eileen Wallace	Executive Director	PossAbilities Rochester, Minn.
Nancy Flinn	Sr. Scientific Advisor	Courage Kenny Rehabilitation Institute Minneapolis, Minn.
Beth Bartels	Executive Director	Rock County Opportunities Luverne, Minn.
Cindy Guddal, LISW, CPRP,	Manager, Community	Courage Kenny

Private – Non-profit

CBIS	Services	Rehabilitation Institute Minneapolis, Minn
Jan Malcolm	President Vice President of Public Policy & Community Engagement	Courage Kenny Rehabilitation Institute Minneapolis, Minn. Allina Health
April Sutor	Director of Innovation and Community Collaboration	Family Services Rochester, Minn.
Guy Finne	Manager, Human Resources	Mayo Clinic Rochester, Minn.
Sandi Gerdes	Executive Director	Laura Baker Services Northfield, Minn.
Pam Taylor	Coordinator	MN Statewide Independent Living Council
Sumheda Penheiter	Program Manager, Research Operations,	Office of Health Disparities, Mayo Clinic Rochester, Minn.
Megan Morris, Ph.D.	Asst. Professor	Dept. of Health Sciences Research Division of Health Policy Research, Mayo Clinic Rochester, Minn.
Becky Bazzarre	Director of Employment Services for People with Disabilities	Lifetrack St. Paul, Minn.
Walter Waranka	President	Minnesota Rehabilitation Association Bloomington, Minn.

Private – Non-profit

Linda Dyre	Manager of MARI Program	Community Involvement Programs Bloomington, Minn.
Jolene Thibedeau Boyd	Director of Employment and Community Supports	Community Involvement Programs Minneapolis, Minn.
Lisa Carter, R.N.	Nurse Administrator, Social Work	Office of Health Equity and Inclusion Mayo Clinic Rochester, Minn.
Linda Hibbard	Executive Director	Epic Enterprises Dundas, Minn.
Barb Turner	Chief Operating Officer	Association of Residential Resources in Minnesota (ARRM) St. Paul, Minn.
Jo Erbs	Project Coordinator	Minnesota Consortium for Citizens with Disabilities St. Paul, Minn.
Mike Gude Steve Larson	Communications Director Public Policy Director	Arc Minnesota St. Paul, Minn.
Juliana Keen	Advocacy Manager	Lutheran Social Services St. Paul, Minn.
Rick Hammergren Alicia Munson	Senior Director for Public Policy Public Policy and Advocacy Associate	Opportunity Partners Minnetonka, Minn.

Private – Non-profit

Erica Schmiel	Public Policy Associate	Minnesota Brain Injury Alliance Roseville, Minn.
John Wayne Barker	Executive Director	Merrick Inc. Vadnais, Minn.
Pamela Hoopes	Center Legal Director	Minnesota Disability Law Center Minneapolis, Minn.
Jon Kehr	Division Director	Volunteers of America Minneapolis, Minn.
John Nelson	Executive Director	Residential Services Virginia, Minn.

Appendix B: Members of the Initial Olmstead Plan Subcabinet

“A Sub-Cabinet, appointed by the Governor ... shall develop and implement a comprehensive Minnesota Olmstead Plan:(i) that uses measurable goals to increase the number of people with disabilities receiving services that best meet their individual needs and in the most integrated setting, and (ii) that is consistent and in accord with the U.S. Supreme Court’s decision in Olmstead v. L.C. U.S. 581 (1999) ... Each Commissioner, or Commissioner’s designee, shall evaluate policies, programs and statutes and regulations of his/her respective agency against the standards set forth in the Olmstead decision to determine whether any should be revised or modified to improve the availability of community-based services for individuals with disabilities, together with the administrative and/or legislative action and resource allocation that may be required to achieve such results. 3) The Sub-Cabinet shall work together and with the Governor’s Office to seek input from consumers, families of consumers, advocacy organizations, service providers and relevant agency representatives.”⁶¹

Chair: Lieutenant Governor Yvonne Prettner Solon

Commissioners or Commissioner’s designee from the following State agencies: Department of Human Services

Minnesota Housing Finance Agency

Department of Employment and Economic Development

Department of Transportation

Department of Corrections

Department of Health

Department of Human Rights

Department of Education

Representatives from the Office of the Ombudsman for Mental Health and Developmental Disabilities and the Governor’s Council on Developmental Disabilities are ex officio members of the Sub-Cabinet.

⁶¹ State of Minnesota Executive Department. *Executive Order 13-01*. Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Rendition=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16_176395

Appendix C - General Interview Questions

1. What is your current role/participation in terms of assuring choice, rights, and freedoms for people with disabilities in Minnesota?
2. What do you know about the Olmstead Plan and its goals in Minnesota? Tell me about the organizations that are working together to do this work? Where is the power currently in terms of Olmstead implementation?
3. What is your understanding of the Olmstead Plan's intentions?
4. What are your perceptions of how Olmstead implementation has been occurring in MN?
5. What is the level of your organization's involvement with work related to Olmstead? What has been your experience so far with providing input to the Olmstead Plan's implementation? What is your level of satisfaction with your engagement, involvement, or effect?
6. Who would ideally be at the table to promote community engagement of the Olmstead Implementation Plan? Where should the power be to optimally advance Olmstead Plan implementation? How would you like to participate or ideally engage?
7. Has there been damage in the minds of stakeholders from the current style of engagement to date?
8. From your perspective, when thinking about the Olmstead Plan and its implementation and how it has (or has not) engaged stakeholders - what are the greatest opportunities and risks you identify from your organizational perspective? What specific steps by the OIO would help stakeholders ideally engage?
9. What are the barriers to engagement?
10. How might you (or your organization) work with other sectors to improve engagement with Olmstead implementation? (Explain examples of public private partnerships or cross-sector work in which you've participated.)

Appendix D - Academic Literature Review

1. Source: Quick, K., & Feldman, M. (2011). Distinguishing participation and inclusion. *Journal of Planning Education and Research*, 31(3), 272-290.

Key findings:

- How engagement efforts are structured has consequences. Having different levels of participation and inclusion effects a community's decision-making and program implementation capacities.
 - "engagement practices are not merely techniques to be acquired in order to organize meetings effectively, but highly consequential choices that shape the inherently political process of planning and policy making" (Lowry, Adler, and Milner 1997; Bryson 2004). (273)
- Inclusive practices create community.
- The public is more satisfied with and has higher approval of processes with higher levels of inclusion. Higher levels of participation can cause more "burnout and ill will" (i.e. survey burnout) however, having more participation is more desired than low or no participation.
- Having both inclusion and participation increases the 'quality' of decisions and 'long term capacity' of communities. (275)

How this relates:

The OIO has been doing mostly a participation process under the umbrella of their community engagement strategy. It is unknown but seems unlikely that they have considered an inclusion process since there seems to be a climate of mistrust emanating especially from housing providers that feel that their businesses are at risk. Being that the Olmstead plan is vast and encompasses many areas, employing inclusion will be important for long term prosperity and to build a "community of practice" surrounding the issue rather than engaging separate stakeholders. One big lesson that can be taken is illustrated in the engagement studies in this paper. In the high inclusion/low participation case, the city engaged their most vocal opponents in advisor roles. This has potential for the OIO.

Summary:

The authors showed the difference between participation and inclusion in engagement practices by studying four engagement examples to illustrate the difference between participation and inclusion in Grand Rapids, MI (high participation, high inclusion - Master Plan; high participation, low inclusion - Budget survey; low participation, high inclusion - Citizen Budget Advisors; and low participation and low inclusion - Indian Trails Golf Course). Public engagement is often mandated and how it is done can create stress, skepticism, or effect trust between government and the public.

“Inclusion continuously creates a community involved in defining and addressing public issues” (272) and involves coproduction, different ways of knowing, and “temporal openness.”

“Participation emphasizes public input on the content of programs and policies.” (272)

In single-issue forums or meetings, people may feel excluded or not take part because they may not think they can make a difference. Others that participate are often not satisfied. Burnout happens for all involved. The relationships between government and other sectors can range from adversarial to collaborative.

By designing engagement practices with high participation, the input of many people that represent the community are given access to impact decisions. By facilitating greater levels of inclusion in engagement, connections are made across subjects, sectors, organizations and people, which helps build the capacity to implement decisions and address a range of issues at the current time and into the future.

2. Source: Bryson, J.M., Quick, K.S., Schively Slotterback, C., & Crosby, B.C. (2012) Designing Public Participation Processes - Theory to Practice. *Public Administration Review*, 1-12.

Key Findings:

The following table represents the authors’ key framework and steps for designing a public participation process:

Table 1 Design Guidelines for Public Participation

Assess and design for context and purpose

1. Assess and fit the design to the context and the problem
2. Identify purposes and design to achieve them

Enlist resources and manage the participation

3. Analyze and appropriately involve stakeholders
4. Work with stakeholders to establish the legitimacy of the process
5. Foster effective leadership
6. Seek resources for and through participation
7. Create appropriate rules and structures to guide the process
8. Use inclusive processes to engage diversity productively
9. Manage power dynamics
10. Use technologies of various kinds to achieve participation purposes

Evaluate and redesign continuously

11. Develop and use evaluation measures
 12. Design and redesign
-

Note: These are interrelated, iterative tasks, not a step-by-step template.



Figure 1 The Cycle of Public Participation Process Design and Redesign (Numbers indicate the corresponding design guidelines.)

Summary:

The authors reviewed more than 250 case studies, research papers and books related to the design of effective public participation processes to summarize evidence and best practices. Their findings are presented in a helpful step-by-step planning guide:

1. Continuously ask what your purpose and goals are – they will be iterative and you must revisit these often. And better yet, include stakeholders in the conversation of the purpose so they can coproduce and ensure a better outcome.

2. Analyze and appropriately involve stakeholders – per above purposes. Included is a very helpful chart for assessing purpose and participation design strategy:

Table 2 Multiple Purposes of Public Participation, with Associated Design Considerations and Proposed Outcome Evaluation Criteria

Purposes	Design Considerations	Proposed Outcome Evaluation Criteria
Meet legal requirements —for example, to provide public notices of upcoming actions or in preliminary scoping efforts for environmental impact assessments (Brody, Godschalk, and Burby 2003; Slotterback 2008)	<ul style="list-style-type: none"> Clarify legal requirements Observe sunshine laws Consider alternatives to traditional public notices and meetings—for example, use of social media and online comment boards may be effective and efficient ways to fulfill these requirements. 	<ul style="list-style-type: none"> Legal requirements for public noticing and comment met Efficient cost of communication and outreach
Embody the ideals of democratic participation and inclusion —for example, to achieve or represent the public interest through diverse participation, provide an opportunity for participants to enhance their own capacities to engage in democratic citizenship, or produce lasting achievements of public value (Mansbridge 1999; Young 2000; Fung and Wright 2003; Nabatchi 2010)	<ul style="list-style-type: none"> Perform stakeholder analysis and design the process to encourage active participation by those with interests at stake, making particular efforts to be inclusive Act in response to participants' contributions, encouraging diverse views and reflecting them in outcomes Deliberative approaches can help participants develop capacity and commitment for ongoing contributions 	<ul style="list-style-type: none"> Inclusiveness of composition of participants Discernible, communicated impact of participation on outcomes Positive effects on citizenship (e.g., participants' increased understanding of how to participate in democratic processes, greater commitment to do so, or elevated sense of efficacy in ability to affect decision making)
Advance social justice —for example, by improving equity in distributing public services or by increasing a marginalized group's influence over decisions (Abers 2000; Andrews, Cowell, and Downe 2010; Corburn 2003)	<ul style="list-style-type: none"> Perform stakeholder analysis and recruit diverse stakeholders Enable diverse participation (i.e., by enabling multiple ways to participate, providing language translation or child care, and selecting accessible meeting locations and times) Consider the distribution of benefits and harms 	<ul style="list-style-type: none"> Adequacy and diversity of stakeholder representation Improved distribution of benefits and harms ensuing from the decisions
Inform the public —for example, about decisions that have been made or about changes in policies, resources, or programs (Nabatchi 2012b)	<ul style="list-style-type: none"> Informing the public and maintaining transparency about decisions may be sufficient 	<ul style="list-style-type: none"> Large number of people reached or the target population reached Diversity of modes or venues used to inform public Increased public awareness of targeted policy issues Public satisfied they have been informed Changes in individual or collective assumptions, frameworks, or preferences Changes in participants' knowledge of issues, ability to articulate interests, and appreciation of other perspective Generation of new problem definitions and potential solutions
Enhance understanding of public problems, and explore and generate potential solutions (Deyle and Slotterback 2009; Godschalk and Stiftel 1981; Webler et al. 1995)	<ul style="list-style-type: none"> Deliberative approaches and small-group formats can help participants understand issues and contribute to problem solving Design processes for sharing information and engaging and exchanging views among participants to promote understanding and discovery of new options; help participants learn about each other's perspectives, the broader context, and possibly change their views; present information in various formats and from a variety of sources (Daniels and Walker 1996; Webler et al. 1995) Balance technical expertise and broader stakeholder representation (Innes and Booher 2010) 	<ul style="list-style-type: none"> Validation of the quality of decisions by informed content experts, using context-specific criteria related to, for example, economic efficiency, safety, reliability, feasibility, equity, environmental impact, etc.
Produce policies, plans, and projects of higher quality in terms of their content	<ul style="list-style-type: none"> Use deliberative, collaborative approaches to promote learning (Forester 1999; Healey 1997; Innes and Booher 2010) Shift decision making to an appropriate scale (e.g., regional, local) to take advantage of relevant knowledge and investment in outcomes (Koontz and Thomas 2006; Mandarano 2008; Margerum 2011) If the problem is complex and technical quality is necessary, engage in boundary work among different ways of knowing (Feldman et al. 2006), or limit participation to content experts or give special emphasis to their role (Thomas 1995) 	

Purposes	Design Considerations	Proposed Outcome Evaluation Criteria
<p>Generate support for decisions and their implementation—for example, by producing decisions that address the public's needs and concerns; resolving disputes; creating alliances for advocacy and implementation; and generating resources for implementation (Brody, Godschalk, and Burby 2003; Godschalk and Stiftel 1981; Laurian and Shaw 2009; Moynihan 2003; Wondolleck and Yaffee 2000)</p>	<ul style="list-style-type: none"> • Avoid making decisions so that stakeholders feel left out, for example, by making them narrowly or hastily or by delegating decision making to small, elite, or exclusive groups (Feldman and Quick 2009; Nutt 2002; Thomas 1995) • Emphasize procedural fairness to enhance acceptance of decisions even among those with a different preferred outcome (Schively 2007); encourage broad participation, especially of key stakeholders; engage in shared knowledge generation and relational work to foster joint ownership of the problem analysis and outcomes (Innes and Booher 2010; Wondolleck and Yaffee 2000) • Utilize conflict management and negotiation techniques (Fisher, Ury, and Patton 2011), including consensus-oriented approaches that aim for win-win solutions (Forester 1999; Innes and Booher 1999; Margerum 2002) • Acknowledge where uncertainty exists • Maximize participation and encourage information sharing to provide clarity about the external environment and values • Build relationships to reduce uncertainty in them and provide a holding frame for negotiating over differences and resources 	<ul style="list-style-type: none"> • Participants satisfied with the process • High level of agreement with fairness of decision process • High level of agreement with decision outcomes, possibly consensus • Minimal lawsuits, conflicts, delays, mistakes, or other obstacles to implementing decisions • Resources available for implementation
<p>Manage uncertainty—for example, to build trust, increase the quality of information informing decisions, stabilize relationships, and minimize risk from unanticipated changes in the external environment (Friend and Hickling 2005; Rowe and Frewer 2004; Wondolleck and Yaffee 2000)</p>	<ul style="list-style-type: none"> • Deliberative, consensus-based, or collaborative approaches frequently facilitate transformative learning; include diverse perspectives to optimize learning and involve key stakeholders; support developing shared meaning via interacting and learning about each other's interests, preferences, values, and worldviews through "collaborative science" (Mandarano 2008) • Build social capital among participants for ongoing work by building connections, enhancing relationships, and fostering trust that can carry on beyond a single decision-making process into future collaboration and communication (Innes and Booher 1999; Quick and Feldman 2011) 	<ul style="list-style-type: none"> • Persistence of a structure or relationships for ongoing learning and negotiation • Limited number of problems caused by misinterpretation of or unanticipated changes in values, relationships, or information • Reduced conflict among stakeholders • Trust in decision makers or decision-making process • Creation of new structures (relationships, partnerships, and resources) to support broad participation in ongoing planning, implementation, and evaluation • Sustained, diverse participation in management that adapts to changed circumstances • Use of collaboratively agreed criteria for decision making or performance management • Sustained collective ability to address new problems and support ongoing management (e.g., of program, resources, problem) • Improved alignment of participants' expectations and actions with collective understandings and goals
<p>Create and sustain adaptive capacity for ongoing problem solving and resilience—for example, by emphasizing social and transformative learning; relationships, social capital, and trust; and sustained engagement (Forester 1999; Goldstein 2012; Innes and Booher 1999, 2010; Jordan, Bawden, and Bergmann 2008; Webler et al. 1995)</p>		

3. Establish legitimacy to the process – are the listening sessions thus far in a form that seems legitimate to stakeholders? For example, how is the OIO informing stakeholders about how their input will be used? What is the feedback loop communication *that legitimizes* the engagement?

Human and Provan's (2000) work on collaboration indicates that, by extension, different types of legitimacy may be involved. The first is whether the form that participation takes is seen as legitimate by key stakeholders and can attract internal and external support and resources. The second is whether the participation network produces interactions that build trust and legitimacy among participants and promotes necessary communication. (p. 5)

4. Foster effective leadership – Effective public participation processes require three main types: sponsors (those in authority) to assure legitimacy and accountability; champions, who are more informal leaders that encourage energy and network within and beyond stakeholder boundaries; and facilitators, those who help manage interaction and objectively help participants work through conflict.
5. Seek resources for and through participation – the OIO/State needs to resource the engagement process adequately, as well as consider what benefits/savings the participation process can bring (New efficiencies in care provision? Risk mitigation for lawsuits?)

6. Create appropriate rules and structures to guide process. Consider operational, such as how stakeholders will work together as well as decision making - who gets to decide what?
7. Use inclusive process to engage diversity – who is normally excluded? How do we get beyond the ‘usual suspects’? What incentives, actions can get more diverse people to participate? There are some very helpful ways to manage conflict that come with diversity.
8. Manage power dynamics – That the OIO is the one who always sets the agenda gives them considerable power and may put off stakeholders somewhat. Are the voices of “titled” people favored over others? (perceived and real) How to integrate “local” with professional and/or “outside” knowledge? What small wins can build trust and camaraderie?
9. Use information, communication and other technologies to strengthen engagement – think beyond simple communications (Web, brochures, forums) to strategy mapping tools, electronic voting, and other visualization tools, etc. to really engage and connect.
10. Develop an evaluation system - consider this early as you are connecting purpose, process to intended outcomes. There are very specific strategies per the purposes of the participatory process (to inform, to empower, etc.).
11. Align all of the above very carefully – contexts change and the holistic view is iterative to be sustained and providing value over the longer term. OIO: What are the expected phases of your plan and how will this inform ideal public participation?

3. Source: Feldman, Martha S., Quick, Kathryn S. (2009). Generating Resources and Energizing Frameworks through Inclusive Public Management, *International Public Management Journal*, pp. 137-171.

Key Findings: Resources are generated more fully and successfully through more inclusive public management processes. The authors note the disincentives for public managers to put resources behind public engagement for fear of wasting limited resources on “nice to do’s” but not “need to do’s” for effective results. The authors studied the city budget cycle in Grand Rapids Michigan and found that more inclusive management practices generated new value (not identified and quantified prior to engagement, and valuable) that, in turn, energized more desired frameworks for inclusive public management.

Summary:

Resourcing more inclusive methods for community engagement creates new value. This paper provides evidence about the real benefits that a more inclusive public participation model will bring to the long-term implementation capacity of the Olmstead Plan. New relationships and

innovative ideas, building trust, legitimacy for the process and findings all improve with a more inclusive and democratic model for decision making.

In cases where trust and legitimacy have been lost, or damaged, a more inclusive and participatory model in which ALL stakeholders re-create the process (goals, resources, actions) from the ground up will repair damage and build a strong framework for a future, iterative process.

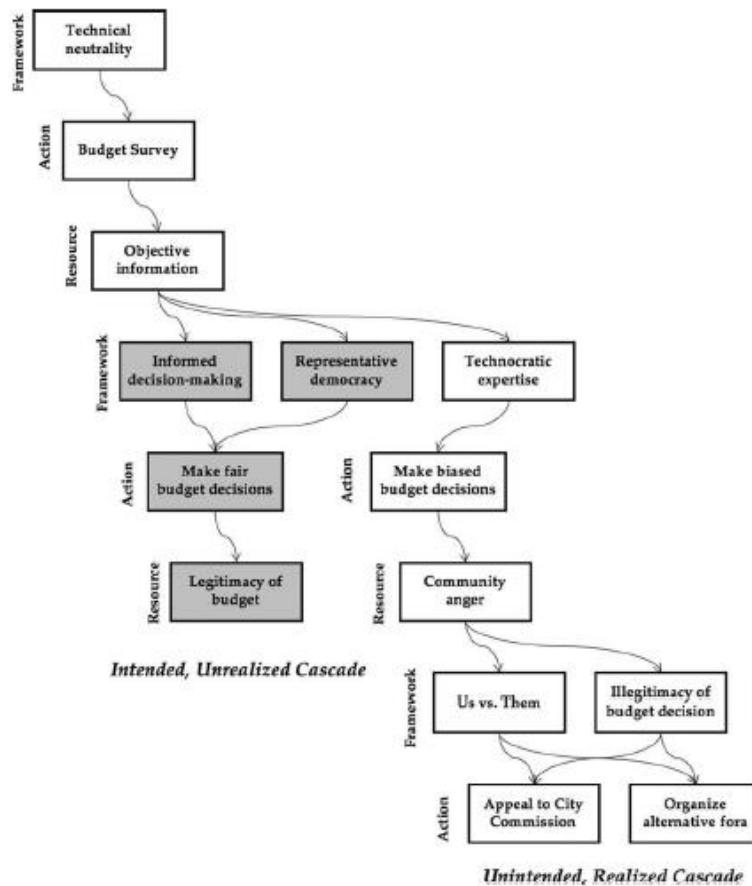


Figure 2. The Intended, Unrealized Cascade to Budget Legitimacy (Shown in Shaded Boxes), and the Unintended, Realized Cascade to Actions Challenging the Budget.

4. Source: Kate Knuth and Virajita Singh, (2015), Boreas Integrative Leadership Workshop, personal collection of Kate Knuth and Virajita Singh, University of Minnesota, Minneapolis, Minn.

Key findings:

- Integrative leadership involves building capacity in managing paradoxes versus a quick, technical fix.
- Leadership challenges require two key approaches: 1) for paradoxes, where two realities are true and important at the same time and must be managed for (both/and decisions), and 2) where issues can be solved with one right answer (either/or decisions).
 - When you treat a problem like a paradox - issues never resolve (more than one reality is true, necessary)
 - **When you treat a paradox like a problem - it creates cynicism, wastes time, money, energy** (more than one reality is true, necessary)
 - Polarity mapping exercises can help manage and come to consensus on tough issues, such as the policy implementation of the Olmstead Plan and vision.

Summary:

- Integrative leadership interventions involve boundary work and looking for ways to connect instead of using differences that prevent action. There are various boundaries to consider:
 - Disciplines and ways of knowing
 - Sectors
 - Organizations
 - Issues
 - Geographic scales
 - Identities
 - Theory and practice
 - General/context specific
 - Boundaries of time
 - Gender
- Design thinking processes (for more information: Virajita Singh - UMN School of Design) involve generating perspective and ideas of the problem from the person/user's point of view/experience. It engages participants through empathy (putting yourself in another's shoes) and motivates action.

Key steps include:

- 1) Empathize - feel a connection to people with disabilities/or the other, understand needs/day in life/aspirations - who are the users of the system?
- 2) Define problem - clarify what is trying to be done but is not possible due to what barrier.

- 3) Ideate - Generate quick ideas from all parties, bringing in visuals, drawing what the solution might look like, think radically and have fun
- 4) Prototype - Create quick mock-ups, build models with hands
- 5) Test - See if it works, look at other pathways (pilot)

Additional Design Thinking principles:

- Everyone's experience matters, to solve systemic problems, creativity is important, trust the process
- Embrace diversity
- Radical collaboration - combine people or organizations that have not worked together
- Make things visible
- Use empathy
- Have creative confidence
- Have a bias for action and goal to get things implemented

5. Source: Bovaird, T. (2007). Beyond engagement and participation: User and community coproduction of public services. *Public Administration Review*, 67(5), 846-860.

Key findings:

- Policy implementation efforts are moving away from a top-down approach which is "outdated" to working among many levels to make policy
- Users and communities coproduce services with traditional methods - this helps integrate and give incentives to marshal resources, and improves information transmission.
- (Coproduction) "bring[s] together a wide variety of stakeholders in the public domain...usually underestimated in its potential to raise the effectiveness of public policy" (858).
- Community coproduction must be done genuinely, not just dumping problems on end users.
- There must be trust/relationships to take risks - willing to trust users and communities.

Summary:

Public policy making is no longer a one-way process from top down. Coproduction "assumes that service users and their communities can – and often should – be part of service planning and delivery...It locates users and communities more centrally in the decision-making process...[and] demands that politicians and professionals find new ways to interface with service users and their communities." (847)

There are limitations to coproduction: differing values, lessened accountability of public, who participates, etc.

The author's definition of coproduction: "provision of services through regular, long-term relationships between professionalized service providers (in any sector) and service users or other members of the community, where all parties make substantial resource contributions."

The paper provided case studies showing a range of relationships:

	Professionals as sole service providers	Service user and/or community as co-planners	No professional input into service planning
Professionals as sole service deliverer	Traditional professional service provision		
Professionals and users/communities as co-deliverers		Full user/professional coproduction	
Users/communities as sole deliverers			Traditional self-organized community provision

6. Source: Thomas, J. (2013). Citizen, customer, partner: Rethinking the place of the public in public management. *Public Administration Review*, 73(6), 786-796.

Key findings:

- The public has three roles they play relating to public management: customer, partner, and citizen.

Guidelines for:

- "Responding to the public as customer:
 - Consider development of centralized contact points
 - Provide mobile device technology
 - Provide high quality customer service
 - Include a customer relations management system
 - Analyze customer relationship management data"

- “Responding to public as partner:
 - Define in advance assistance desired from public
 - Find ways to enhance public’s ability to provide assistance
 - Consider how social norms and networks can be used to motivate assistance
 - Provide incentives
 - Consider sanctions”

- “Responding to public as citizen:
 - Don’t invite public when neither more information or acceptance is needed
 - Before involving public define constraints (time, budget)
 - Minimize decision constraints
 - Recognize that it requires sharing decision-making authority
 - Plan to share decision making authority given constraints, nature of public, etc.
 - Carefully identify possible relevant actors and groups and recruit aggressively
 - Offer a variety of techniques and multiple opportunities to hear from public
 - Don’t do unless authorities are committed to using results
 - Initiate public involvement as early as possible
 - Anticipate issues rather than allowing them to develop elsewhere”

Summary:

“Coproduction occurs when governments partner with nongovernmental entities, including members of the public to jointly produce services that governments previously produced on their own.” (p.788)

Coproduction is seen as a way of “doing more with less by involving private actors in service production and delivery. Scholars of business administration see extensive coproduction as essential because customers must join in ‘customizing’ many products and services” ...(788)

The author further states “... too many public involvement initiatives...[limit] the public’s role to commenting on a proposed decision that is essentially a fait accompli. Citizens who give their time to public involvement may reasonably expect that their ideas will influence the eventual decision. Denied that influence, they may not buy into the decision, which may have been the reason for inviting their involvement in the first place.” (p.793)

Must consider that

- The people who become involved seldom represent general public
- It costs more to involve public in decision making

- “Strong grounds exist [to involve public] if: 1) implementation of any decision requires the public’s acceptance and (2) that acceptance cannot be assumed without involvement” (p.793)
-

7. Source: Crosby, Barbara C., Bryson, John M., Integrative Leadership and the creation and maintenance of cross-sector collaboration; *The Leadership Quarterly*, 2010, pp: 211-230.

Key findings: Cross-sector collaborative efforts require integrative (shared, adaptive, cross-sector guidance on complex social issues) leadership for ideal quality, impact and sustainability. Cross-sector efforts need sponsors and champions who understand the key components of effective collaboration needs and have the skills to guide complex systems and understand environmental challenges and opportunities. The authors provide key principles of leading through complex problems across social sectors and a framework for analysis of collaborative dynamics. They give examples of their theories in practice on a Minneapolis-St. Paul collaborative planning project.

Summary:

The authors propose the following principles of cross sector collaboration:

- 1) Most likely to form in turbulent times - driving forces (lawsuits, legal statutes) elevate collective attention to the issue(s).
- 2) There is often wide recognition that traditional (within sector) management of the issue has failed.
- 3) Cross-sector collaborations are more likely to succeed if there is an existing system of connection and general agreement on the problem.
- 4) Leaders must be aware of existing sector boundaries and ideas for helping groups safely and constructively cross them through effective shared experiences, and through forums, arenas and courts.
- 5) The initial formation and agreements of cross-sector groups will affect group outcomes. Deliberate, formal planning (OIO) is more appropriate for mandated issues. Emergent is better for non-mandated efforts. However in both, stakeholder analysis, understanding and service are crucial to success.
- 6) Both elements of mandated and emergent planning are common and recommended per the environment.
- 7) Cross-sector leadership will be more successful with careful stakeholder analysis and responsivity throughout the collaborative process, being mindful to facilitate trust, manage conflict and build on stakeholders’ unique skills and roles.

- 8) Leaders will ideally build forums and facilitate governance to equalize power, manage conflict and avoid “imposed solutions.”
- 9) Effective champions and sponsors should ideally come from all levels/areas of the collaboration - not just a few.
- 10) Trust-building experiences should be continued throughout work.
- 11) Legitimacy must be established for both internal and external stakeholders (such as the public) through the establishment of goals, rules, operating processes, as well as formal, resourced structures.
- 12) Collaborative structures need to be flexible to changing environments, as well as changing players and succession planning.
- 13) Governing mechanisms need to be appropriate for their contexts - leaders need to be able to recognize and plan for this.
- 14) Leaders need to build in plans and resources to deal with power imbalances and shocks and setbacks.
- 15) Competing interests are inherent in cross-sector collaborations - Leaders should reframe disputes into opportunities for sectors to gain something. Leaders should guide collaborative efforts to build on organizations/sectors strengths and minimizing weaknesses.
- 16) Leaders must look for first, second and third order effects of group efforts, encourage strong measurement and reporting activities to monitor progress, affirm impacts and energies and provide strategy, and continuously re-assess.

In the case of the OIO and the Olmstead Plan and policy field, leadership is partly accountable at the State level, however, effective integrative leadership must also be championed at all levels and in all sectors. This article and its recommendations can help the OIO to realize more ideal ways of thinking about policy implementation, as well as offer tools and a framework from which to strategize and plan.

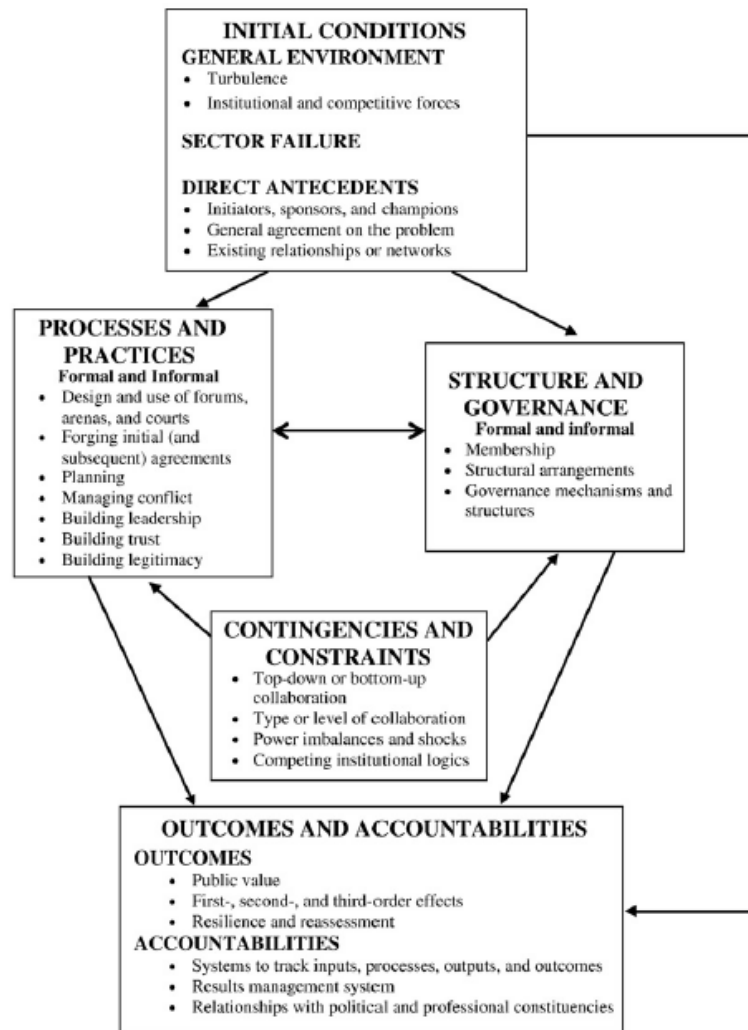


Fig. 1. A framework for understanding leadership and the creation and maintenance of cross-sector collaborations (adapted from Bryson et al., 2006, p. 45).

8) Source: Sandfort, J., & Moulton, S. (2015). *Effective implementation in practice: Integrating public policy and management*. San Francisco: Jossey-Bass.

Summary:

When implementing change in complex systems, activities and interactions occurring at and between various strategic action fields, or levels in the system, need to be considered. Understanding what is going on at the policy field, organizational, and front line levels is key.

They provide some helpful continuums to understand coordination activities (p. 152) and engagement that have been copied below.

Coordination Continuum for Implementation Activities within organizations

Hierarchical accountability ---- rules and procedures-----performance targets ----- goal congruence
 Supervision-----legal compliance-----rewards & sanctions-----trust & reciprocity
Formal structure **Formalization** **Internal culture**

Engagement continuum for implementation activities with different target groups

Citizens-----customers-----clients-----captives
 coproduce services provide info manipulate choice architecture require or prohibit
 solicit info to define results provide resources to enable action provide incentives coerce with sanctions
Participatory-----Voluntary-----Mandatory

Indicators of effectiveness have results that create public value. The following chart (p.235) lists indicators of public value failure to assess during implementation.

Indicators of public value failure for implementation

	Process quality results	Ultimate outcomes
Change in systems operations	low-quality program delivery that threatens basic human rights	lack of collective capability or infrastructure
Change in target groups	lack of due consideration of target group needs or interests	lack of desired change in target group due to short term focus

Appendix E - State Review of Other Olmstead Plan Activities

To better understand what other states are doing in the area of Olmstead Plan community engagement and to perhaps identify comparisons with other states, the group conducted a review of four key states. Initial research on state plans and implementation concluded that most information available publicly is out-of-date. Phone interviews with key people at these states provided more in-depth background on that state's engagement.

In determining which states to pursue, the group chose states whose implementation is at the state level and states that are state-supervised, county administered⁶² to better compare Minnesota's state-supervised, county administered model.

States identified include:

State-Administered: Rhode Island, Texas

State-Supervised, County- Administered: California, West Virginia

Questions for state interviews

- Does your state have a community engagement plan outlined for the Olmstead Plan?
- What is your state doing to engage communities in the Olmstead Plan?
- How has your state engaged with the Olmstead Plan? Do you feel it has been successful in engaging the various audiences?
- What successful strategies/tactics have you used for community engagement?
- What have been some barriers to successful engagement?

Texas

Key findings

- *Money Follows the Person* key to success
- Overdue to present to the legislature
- Plan is out-of-date, delayed
- Advisory Council comprised of appointed members representing stakeholders
- Key to engagement is a well-functioning advisory council
- Agendas are set by the members; sense of ownership and engagement
- Counties powerless
- Became national leader in relocating people from nursing homes and institutions
- Slow movement

Summary: Texas is a proud national outlier in having successfully relocated more than 25,000 Texans with disabilities. While their key to success, administratively, can be attributed to the

⁶² U.S. Department of Health and Human Services. *National study of child protective services systems and reform efforts* (2003). Retrieved from <http://aspe.hhs.gov/hsp/cps-status03/state-policy03/chapter2.htm>

Money Follows the Person program, they also cite the “well functioning” Advisory Council as an element to advancing the Texas Promoting Independence plan throughout the state.

Although the current plan is out of date and not as comprehensive as the previous plan, Texas is in the process of developing an updated plan that is expected to be complete in early May 2015.

As outlined in the Texas Department of Aging and Disability Services 2015 Resource Guide⁶³ “Community outreach and awareness is a systematic program of public information developed to target groups that are most likely to be involved in decisions regarding long-term services and supports.”

Minnesota and Texas can both relate to “slow movement.” Interest groups wish for action to happen more quickly. However, Texas cites strong leadership as key to successful implementation. Maintaining the current website and posting meeting minutes and agendas helps keep interest groups apprised of activity.

Source: Dennis Borel, executive director, Coalition of Texans with Disabilities; Penny Larkin, senior policy advisor and director of *Money Follows the Person* demonstration plan, Texas Department of Aging and Disability Services

West Virginia

Key findings:

- Director new to role; position vacant for a year
- Struggling to rebuild
- Working on pulling the Advisory Council together
- Actively meeting with agencies one-on-one
- A lot of people frustrated; do not even know about Olmstead
- Staff turnover a big barrier to consistent education
- Plan is outdated
- Working to establish an office again
- Developing a first-ever community resource guide
- Frustrated with lack of communication among people working the Olmstead Plan in other states - no networking opportunities to find out best practices.
- Plan outlines community-based supports and categorizes activities into levels of requiring fiscal impact and regulatory change

⁶³ Texas Department of Aging and Disability Services (2015). *Reference guide*. Retrieved from <http://dadsco.dads.state.tx.us/ReferenceGuide/guides/FY15ReferenceGuide%28revised%29.pdf>

Summary: The West Virginia Olmstead Plan,⁶⁴ “Building Inclusive Communities, Keeping the Promise” received the governor’s approval in October 2005, but has not been updated since.

The plan, although outdated, outlines development of a community resource guide that the current advisory council has indicated is a priority project. The resource guide project has been identified as a major activity that can be implemented with no fiscal impact or regulatory change, but would have significant impact on community implementation. The comprehensive resource guide tactic includes information about the available community-based supports including eligibility criteria, service/program/support description, and the application process. The project would include a web-based system and a toll-free hotline to access the guide and establishment of a system to ensure the sustainability of the resource guide, including regular updates and revisions.

The plan that currently exists is 119 pages long -- too long to encourage engagement and realistic implementation. Another immediate goal calls for updating the plan in a modern, engaging format with plans.

The plan outlines a number of engagement opportunities and breaks them into manageable tasks that outline the responsible party and the feasibility. Overall, the West Virginia plan offers a strong, comprehensive example of a plan that outlines community engagement. The challenge ahead for the state is to re-establish their Advisory Council and determine how to revise the plan in a way to engage their audiences.

Source: Vanessa VanGilder, Olmstead coordinator, Office of Inspector General

California

Key findings:

- California has a robust long-term care community that is well connected.
- The Olmstead Advisory Committee is very active and includes individuals from a variety of organizations and individuals with disabilities and their family members.
- The State maintains a list of associations and interested individuals to whom they send out information and updates.
- The Olmstead Advisory Committee holds community meetings where people can learn about the Plan and updates to it.

Summary:

⁶⁴ West Virginia Olmstead Advisory Council (2005). *West Virginia Olmstead Plan: Building inclusive communities. Keeping the promise.* Retrieved from <http://www.wvdhhr.org/oig/olmstead/WV%20Olmstead%20Plan/West%20Virginia%20Olmstead%20Plan%20Full%20Length.pdf>

California's Olmstead Plan was released in 2003 and has been updated in 2005 and 2010. In 2005, the Olmstead Advisory Committee⁶⁵ was established to "help inform policies and practices" related to Olmstead priorities.⁶⁶ At that time it included stakeholders in aging and disability, but was later expanded to include representation of veterans, housing development, and transportation services. The full committee meets three times per year. There are three work groups, in transportation, housing, and healthcare, which meet throughout the year.

The state maintains a list of interested individuals and associations to whom they send information and updates. Individuals can add themselves to this list through the state website. They also send important information and information on how to be on this list out to other state agencies, counties, health plans, Area Agencies on Aging, Centers for Independent Living and other major groups to post in their newsletters and on their websites. California has a unique requirement that all health plans must have policy committees with representation from the aging and disability community. They use this system for distribution. Information is also distributed through information sessions and conferences related to aging and disability throughout the state.

The California Collaborative for Long Term Services and Supports⁶⁷ is a statewide coalition of organizations that serve individuals with disabilities and older adults, and provides another way for the state to work with a variety of stakeholders. It was started through funding from the SCAN Foundation rather than being financed by the state.

Source:

Brenda Premo, Chair of Olmstead Advisory Committee

Rhode Island

Key findings:

- Minnesota is pursuing strategies used by Rhode Island in the implementation of their plan to compare and contrast.
- Similar lawsuit in which 80% of the people with intellectual or developmental disabilities were not integrated into community settings and only about 12% of the state's disabled population was.
- An agreement out of the lawsuit was to permanently stop the funding and the placement of people with disabilities into a non-integrated system/setting.

⁶⁵ California Health and Human Services Agency (2015, Jan). *California Olmstead Advisory Committee members*. Retrieved from <http://www.chhs.ca.gov/OLMDOC/Olmstead%20Advisory%20Committee%20Roster.pdf>

⁶⁶ California Health and Human Services Agency (2012, Nov). *California Olmstead plan: Update on its implementation*. Retrieved from <http://www.chhs.ca.gov/OLMDOC/California%20Olmstead%20Plan%20Update-%20November%202012.pdf>

⁶⁷ California Collaborative for Long Term Services and Supports (n.d.). Retrieved from <http://www.ccltss.org/>

Summary: The Department of Justice⁶⁸ found not only that there was a failure in the state to integrate people with disabilities into the community with employment, day programs and how they offered vocational and sheltered workshop programs, but how they had failed to transition students from the educational system to an integrated work environment. There was also a failure to transition people with disabilities in institutions and permanent settings, as in there was no attempt by the state to do so.

The state's new plan decided to act on a number of issues to transition people toward more integrated settings and start doing so at all ages. They started by creating/supporting employment placement in moving people out of workshops, institutions and transitioning from school into an integrated environment.

⁶⁸United States vs. Rhode Island , CA14-175 (United States District Court, District of Rhode Island April 7, 2014). Retrieved from <http://www.ada.gov/olmstead/documents/ri-olmstead-statewide-agreement.pdf>

Appendix F - A Narrative Timeline for Olmstead Plan Implementation⁶⁹

April 1999: United States Supreme Court Olmstead decision when the State of Georgia was sued for unnecessarily institutionalizing people with intellectual disabilities.

July 2009: A federal lawsuit, *Jensen et al v. Minnesota Department of Human Services*, was filed.

December 2011: The Department of Human Services and the Plaintiffs in the *Jensen et al v. Minnesota Department of Human Services*, entered into a settlement agreement that required the development of a Minnesota Olmstead Plan. This case resulted in oversight by a Federal Judge and Court Monitor to approve plans and progress toward goals set forth in the *Jensen settlement*, one part being the development and implementation of the Minnesota Olmstead Plan.

2012: Minnesota's Olmstead Planning Committee formed

January 2013: Governor Mark Dayton establishes a Sub-Cabinet⁷⁰ to oversee compliance of the Olmstead Implementation Plan.

November 2013: The Sub-Cabinet submits a first draft of the Olmstead Plan to itemize specific goals and measurable actions to increase choice and person-centered care for individuals with disabilities in Minnesota. Court requests revisions, more far-reaching, expansive and measurable targets.

December 2013: The Olmstead Implementation Office (OIO) established as an interim office by the Sub-Cabinet to ensure the values and goals of the plan were being met. Acting as oversight to the plan to make sure specific tasks and deadlines are achieved.

July 2014: OIO submits a second draft of the Olmstead Plan. Again, Court requests revisions, more far-reaching, expansive and measurable targets.

September 2014: The OIO requests the University of Minnesota Humphrey School of Public Affairs Capstone group to serve as senior consultants to research and make recommendations for a governance structure that oversees community engagement.

⁶⁹ Minnesota Department of Human Services (2015). *Olmstead community engagement plan*. Retrieved from: http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Rendition=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16_193724

⁷⁰ State of Minnesota Executive Department (2013). *Executive Order 13-01*. Retrieved from http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Rendition=Primary&allowInterrupt=1&noSaveAs=1&dDocName=dhs16_176395

January - May 2015: University of Minnesota Humphrey School of Public Affairs Capstone groups conducts research efforts to help inform an optimal governance structure for the Olmstead Implementation Office to enhance stakeholder engagement.

Appendix G: Governor's Executive Orders

Executive Order 13-01

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 13-01

Supporting Freedom of Choice and Opportunity to Live, Work, and Participate in the Most Inclusive Setting for Individuals with Disabilities through the Creation of Minnesota's Ohmstead Plan

I, **Mark Dayton**, Governor of the State of Minnesota, by virtue of the power invested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, the State of Minnesota is committed to ensuring that inclusive, community-based services are available to individuals with disabilities of all ages;

Whereas, the State of Minnesota recognizes that such services advance the best interests of all Minnesotans by fostering independence, freedom of choice, productivity, and participation in community life of Minnesotans with disabilities;

Whereas, the unnecessary and unjustified segregation of individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the American with Disabilities Act of 1990 (the ADA), 42 U.S.C. §§ 12101 *et seq.*, which requires that states and localities administer their programs, services, and activities, in the most integrated setting appropriate to meet the needs of individuals with disabilities;

Whereas, in *Ohmstead v. L.C.*, 527 U.S. 581 (1999), the United States Supreme Court interpreted Title II of the ADA to require states to place individuals with disabilities in community settings, rather than institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the state can reasonably accommodate the placement, taking into account the resources available to the state and the needs of others with disabilities;

Whereas, the State of Minnesota has taken steps in response to the *Olmstead* decision through the past and current efforts of State agencies and the establishment and work of the Minnesota *Olmstead* Planning Committee, whose recommendations to the Commissioner of the Minnesota Department of Human Services are hereby acknowledged;

Whereas, barriers to affording opportunities within the most integrated setting to persons with disabilities still exist in Minnesota; and

Whereas, the State of Minnesota must continue to move more purposefully and swiftly to implement the standards set forth in the *Olmstead* decision and the mandates of Title II of the ADA through coordinated efforts of designated State agencies so as to help ensure that all Minnesotans have the opportunity, both now and in the future, to live close to their families and friends, to live more independently, to engage in productive employment, and to participate in community life.

Now, Therefore, I hereby order that:

1. A Sub-Cabinet, appointed by the Governor, consisting of the Commissioner, or Commissioner's designees, of the following State agencies, shall develop and implement a comprehensive Minnesota *Olmstead* Plan: (i) that uses measurable goals to increase the number of people with disabilities receiving services that best meet their individual needs and in the most integrated setting, and (ii) that is consistent and in accord with the U.S. Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999):
 - a) Department of Human Services;
 - b) Minnesota Housing Finance Agency;
 - c) Department of Employment and Economic Development;
 - d) Department of Transportation;
 - e) Department of Corrections;
 - f) Department of Health;
 - g) Department of Human Rights; and
 - h) Department of Education.

The Sub-Cabinet shall be chaired by Lieutenant Governor Yvonne Pretzner Solon.

The Ombudsman for the State of Minnesota Office of the Ombudsman for Mental Health and Developmental Disabilities and the Executive Director of the Minnesota Governor's Council on Developmental Disabilities shall be *ex officio* members of the Sub-Cabinet.

The Sub-Cabinet shall allocate such resources as are reasonably necessary, including retention of expert consultant(s), and consult with other entities and State agencies, when appropriate, to carry out its work.

2. Each Commissioner, or Commissioner's designee, shall evaluate policies, programs, statutes, and regulations of his/her respective agency against the standards set forth in the *Olmstead* decision to determine whether any should be revised or modified to improve the availability of community-based services for individuals with disabilities, together with the administrative and/or legislative action and resource allocation that may be required to achieve such results.
3. The Sub-Cabinet shall work together and with the Governor's Office to seek input from consumers, families of consumers, advocacy organizations, service providers, and relevant agency representatives.
4. The Sub-Cabinet shall promptly develop and implement a comprehensive Minnesota *Olmstead* Plan.

This Executive Order shall remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statutes, section 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on this 28th day of January, 2013.



Mark Dayton
Governor

Filed According to Law:



Mark Ritchie
Secretary of State

STATE OF MINNESOTA
EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 15-03

**Supporting Freedom of Choice and Opportunity to Live, Work, and Participate in
the Most Inclusive Setting for Individuals with Disabilities through the
Implementation of Minnesota's Olmstead Plan; Rescinding Executive Order 13-01**

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the power invested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, the State of Minnesota is committed to ensuring that inclusive, community-based services are available to individuals with disabilities of all ages;

Whereas, the State of Minnesota recognizes that such services advance the best interests of all Minnesotans by fostering independence, freedom of choice, productivity, and participation in community life of Minnesotans with disabilities;

Whereas, the unnecessary and unjustified segregation of individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the American with Disabilities Act of 1990 (the ADA), 42 U.S.C. §§ 12101 *et seq.*, which requires that states and localities administer their programs, services, and activities, in the most integrated setting appropriate to meet the needs of individuals with disabilities;

Whereas, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), the United States Supreme Court interpreted Title II of the ADA to require states to place individuals with disabilities in community settings, rather than institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the state can reasonably accommodate the placement, taking into account the resources available to the state and the needs of others with disabilities;

Whereas, barriers to affording opportunities within the most integrated setting to persons with disabilities still exist in Minnesota;

Whereas, the Olmstead Sub-Cabinet was created in Executive Order 13-01 to develop and implement a comprehensive Minnesota Olmstead Plan, which received provisional approval from the Court on January 9th, 2015;

Whereas, the Olmstead Implementation Office (OIO) was created as part of the Minnesota Olmstead Plan, to extend authority of the Sub-Cabinet to facilitate the implementation of the Plan, and is integral to the success of realizing the vision of *Olmstead*; and

Whereas, the work of the Olmstead Sub-Cabinet is ongoing, and further authority is needed by the Sub-Cabinet to effectively implement the Minnesota Olmstead Plan to ensure that all Minnesotans have the opportunity, both now and in the future, to live close to their families and friends, to live more independently, to engage in productive employment, and to participate in community life.

Now, Therefore, I hereby order that:

1. A Sub-Cabinet, appointed by the Governor, consisting of the Commissioner, or Commissioner's designees, of the following State agencies, shall implement Minnesota's Olmstead Plan:
 - a) Department of Human Services;
 - b) Minnesota Housing Finance Agency;
 - c) Department of Employment and Economic Development;
 - d) Department of Transportation;
 - e) Department of Corrections;
 - f) Department of Health;
 - g) Department of Human Rights; and
 - h) Department of Education.

The Governor shall designate one of the members of the Sub-Cabinet to serve as chair.

The Ombudsman for the State of Minnesota Office of the Ombudsman for Mental Health and Developmental Disabilities and the Executive Director of the Minnesota Governor's Council on Developmental Disabilities shall be *ex officio* members of the Sub-Cabinet.

The Sub-Cabinet shall allocate such resources as are reasonably necessary, including retention of expert consultant(s), and consult with other entities and State agencies, when appropriate, to carry out its work.

2. The duties of the Sub-Cabinet are:
 - a. Provide oversight for and monitor the implementation and modification of the Olmstead Plan, and the impact of the Plan on the lives of people with disabilities.
 - b. To provide ongoing recommendations for further modification of the Olmstead Plan.
 - c. Ensure interagency coordination of the Olmstead Plan implementation and modification process.
 - d. Convene periodic public meetings to engage the public regarding Olmstead Plan implementation and modification.
 - e. Engage persons with disabilities and other interested parties in Olmstead Plan implementation and modification and develop tools to keep these individuals aware of the progress on the Plan.
 - f. Develop a quality improvement plan that details methods the Sub-Cabinet must use to conduct ongoing quality of life measurement and needs assessments and implement quality improvement structures.
 - g. Establish a process to review existing state policies, procedures, laws and funding, and any proposed legislation, to ensure compliance with the Olmstead Plan, and advise state agencies, the legislature, and the Governor's Office on the policy's effect on the plan.
 - h. Establish a process to more efficiently and effectively respond to reports from the Court and the Court Monitor.
 - i. Convene, as appropriate, workgroups consisting of consumers, families of consumers, advocacy organizations, service providers, and/or governmental entities of all levels that are both members, and non-members, of the Sub-Cabinet.
3. The Sub-Cabinet shall appoint an Executive Director of the Olmstead Implementation Office (OIO), who will report to the Chair of the Sub-Cabinet. The OIO shall carry out the responsibilities assigned to the Sub-Cabinet, as directed by the Chair of the Sub-Cabinet.
4. The Sub-Cabinet shall adopt procedures to execute its duties, establish a clear decision making process, and to further define and clarify the role of the OIO. The Chair is responsible for the drafting of these procedures, and will present them for review at the first Sub-Cabinet meeting of 2015 and approval at the second Sub-Cabinet meeting of 2015.

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State, and shall remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statutes, section 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on this 28th day of January, 2015.



Mark Dayton
Governor

Filed According to Law:



Steve Simon
Secretary of State

